

COUNTY OF SANTA FE STATE OF NEW MEXICO

BCC MINUTES PAGES: 526

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# SANTA FE COUNTY

# **BOARD OF COUNTY COMMISSIONERS**

# **REGULAR MEETINNG**

# November 13, 2012

Liz Stefanics, Chair – District 5 Kathy Holian, Vice Chair – District 4 Robert Anaya – District 3 Danny Mayfield – District 1 Virginia Vigil – District 2

# SANTA FE COUNTY

# **REGULAR MEETING**

# **BOARD OF COUNTY COMMISSIONERS**

# November 13, 2012

This regular meeting of the Santa Fe Board of County Commissioners was called to order at approximately 2:00 p.m. by Chair Liz Stefanics, in the Santa Fe County Commission Chambers, Santa Fe, New Mexico.

Adamino Pino led the Pledge of Allegiance and Erika Lovato led the State Pledge, following roll call by Deputy County Clerk Vicki Trujillo and indicated the presence of a quorum as follows:

#### **Members Present:**

Commissioner Liz Stefanics, Chair Commissioner Kathy Holian, Vice Chair Commissioner Robert Anaya Commissioner Danny Mayfield Commissioner Virginia Vigil Members Excused: [None]

## V. MOMENT OF REFLECTION

The Moment of Reflection was led by Ashley Barela from the Finance Department.

# VI. APPROVAL OF THE AGENDA

- A. Amendments
- B. Tabled or Withdrawn Items

KATHERINE MILLER (County Manager): Madam Chair, we have one amendment, or actually two. Under XV. Matters from the County Attorney, item 1.a.i and item 2. Then also under XVII. Public Hearings, Case number 3 has been tabled.

CHAIR STEFANICS: Thank you. I'm going to move that we strike XV.1.a.i and that we move XV up on the agenda to under item VII. Are there any other changes to the

agenda?

COMMISSIONER MAYFIELD: Madam Chair. CHAIR STEFANICS: Yes.

COMMISSIONER MAYFIELD: Under XVII. A. 2, I would just ask that we move that after Case 6.

CHAIR STEFANICS: Okay, so you would like to move XVII. A. 2 to the end of the agenda?

COMMISSIONER MAYFIELD: Yes, please.

COMMISSIONER VIGIL: Madam Chair, that is a case that's in my district I believe. Is that the Robert Anaya case?

COMMISSIONER MAYFIELD: Yes.

COMMISSIONER VIGIL: I may not be here if you move it to the end.

COMMISSIONER MAYFIELD: Okay. Madam Chair, that's fine. I just was asking. I just thought that that case may take – be voluminous in time, but that's fine, Madam Chair. That's the only reason. I respect that you want that you want that on top.

COMMISSIONER VIGIL: Okay. I do want to be here for that.

COMMISSIONER MAYFIELD: That's fine, Madam Chair. Disregard that k you.

request. Thank you.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER HOLIAN: I move for approval of the agenda as amended. COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: There's a motion and a second. Is there any discussion?

The motion passed by unanimous [5-0] voice vote.

#### VII. APPROVAL OF MINUTES

#### A. Approval of October 9, 2012 BCC Special Study Session Minutes

COMMISSIONER HOLIAN: Madam Chair, I move for approval. COMMISSIONER VIGIL: I'll second it. CHAIR STEFANICS: Is there any discussion?

#### The motion passed by unanimous [5-0] voice vote.

#### B. Approval of October 9, 2012 BCC Minutes.

COMMISSIONER MAYFIELD: Move for approval, Madam Chair. COMMISSIONER HOLIAN: Second. CHAIR STEFANICS: There's a motion and a second. Any discussion?

The motion passed by unanimous [5-0] voice vote.

### XV. MATTERS FROM THE COUNTY ATTORNEY

2. Consideration and Approval of the Settlement Agreement Between O Centro Espírita Beneficente União do Vegetal, USA, Nucleo Santa Fe and the Aurora Foundation v. Board of County Commissioners of Santa Fe County

CHAIR STEFANICS: For the public I will read that item. Mr. Ross, let's have a presentation first.

STEVE ROSS (County Attorney): All right. Madam Chair, as you're aware, the County is a defendant in the case you just referenced in federal court, have been for some time. The case has been progressing over the summer and early fall as those cases do. It's been kind of an intense case thus far. The parties spoke to Judge Browning and Judge Browning agreed to place a stay on the case briefly so that the parties could explore settlement and the parties have been doing so for the last couple months culminating in a mediation session last Thursday before retired federal magistrate Leslie Smith.

During that session the parties agreed on terms for a settlement, which is being presented here to you today. Katherine is going to pass copies of it out. *[Exhibit 1]* I think Commissioner Vigil doesn't actually have a copy at this point. Participating in the settlement discussions last week were myself, Manager Miller, Chair Stefanics and Vice Chair Holian as well as the plaintiffs and their attorneys, Magistrate Smith and an assistant to Magistrate Smith. The session went from early in the morning till late at night. It was a very contentious and difficult discussion as sometimes occurs with a skillful mediator we got through all that stuff and put together an outline of an agreement which you're looking at right now.

Essentially, what the agreement provides for is that the Board will permit the church to exist in its current location subject to a number of conditions which are set forth in the settlement agreement, and here are some of the conditions. These conditions were conditions that we proposed based on what we understood the concerns of the neighborhood were. The neighbors were originally scheduled to participate in last week's mediation but at the last minute declined to participate, so we used our knowledge of the situation to propose conditions to the plaintiffs which they were kind enough to agree to. Here are the conditions: The conditions are that all services conducted by the church need to be conducted inside the proposed temple. Outside services will be permitted in the courtyard of the facility so long as it's subsequently walled in. The services and the number of attendees permitted at the services are limited and the limitation is set forth in a chart that's attached to the settlement agreement. In addition, the settlement agreement provides that routine local church business meetings, routine operations of the church are permitted as well as three administrative meetings are limited in the number of persons that can attend.

So with these proposed limitations on the religious services and activities it is hoped that some of the concerns of the neighbors concerning the types of activities that will occur

there and whether those activities are consistent with other activities that occur regularly in the neighborhood hopefully will be addressed.

Three: All the conditions of approval that were previously recommended by County Land Use staff to the Board that are not inconsistent with the other terms of the document are to apply to the proposed settlement. One of the things we'll be working on is a proposed order. There's a draft attached to the settlement agreement and in that order will be our usual recitation of conditions that are applicable to the permit.

Four: Obviously, the agreement is subject to your approval before it becomes effective. The people in the room all agreed that that was the settlement but you as a body have to agree to it and that's what we're here for today.

Five: To address the concerns about water quantity in the area as you recall, the temple was going to utilize an onsite well. This is an area of the county that has issues with water supply, so to address those we have agreed that the County will bring a waterline to the property from its existing lines which are fairly near the property. The church will hook up to the water and will not use the well that's on the property. That should address some of the fire issues as well. As you recall, there was some discussion about the difficulty of fire protection from a well during the hearings.

Six: The County has offered in this settlement agreement to provide a package sewage treatment plant on the premises with the idea being to ramp up the level of protection that the public was concerned about from the facility. A package plant will be located on the premises and the County will pay for it but the subsequent maintenance will be the responsibility of the plaintiffs.

Seven: The church has agreed it will not erect a yurt or a greenhouse on the property.

Eight: The church has agreed that for the next five years it will not erect any additional structures on the premises and in particular this is referring to the caretaker's residence that was originally proposed. They've agreed not to construct or proposed to construct a caretaker's residence for at least five years.

Next: These are some of the protective measures I was talking about earlier. The church as agreed to construct a wall around the parking lot. The location, type and height of wall are subject to approval of the County and that approval will come administratively through land use staff. We have obviously rules in the code that apply to the construction of walls, particularly with respect to height and appearance. The hope is that with the wall that some of the concerns of the neighborhood about cars starting up late at night and headlights will be ameliorated. We hope to position the wall so that headlights do not shine on neighbors and that the sounds of cars starting are muffled.

Next: There were concerns raised specifically by Commissioner Mayfield during the public hearings concerning statements made in the public hearing that suggested that people would be locked in the church in the church services and there were concerns raised that this might create a fire hazard or restrict people's quick egress from the property in the event of a fire or something like that. So we've put language in there that addresses that issue and also provided that they are Knox locked. Whenever they lock the gate there will be a Knox lock provided so the Fire Department can gain access to the property.

Next: What I mentioned earlier is we'll have to prepare an order that rescinds the order of about one year ago and we've developed a form of that order which is attached as an exhibit to the settlement agreement. Obviously, we'll have to add the conditions of approval and maybe a few additional provisos in there to make it clear what they're doing.

Next: The plaintiffs have agreed as a result of this settlement as long as you approve it today to relinquish all their claims for damages and dismiss the pending lawsuit and sign a standard release of any and all claims.

And finally, there is the matter of attorneys' fees. The plaintiffs are entitled to recover attorneys' fees as the prevailing party in a RLUIPA lawsuit. Our insurance carrier and the plaintiffs' are negotiating their proposal that at this point the County pay their attorneys' fees. I'm not sure if there's an agreement been reached at this point but it doesn't really matter for your purposes because the parties, meaning the insurance company and the plaintiffs have agreed that in default of an agreement between the parties the judge will resolve the question of fees. So that's the agreement – proposed agreement.

CHAIR STEFANICS: Thank you very much. Commissioners, questions, nts?

comments?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Vigil, then Commissioner Anaya. COMMISSIONER VIGIL: I just would like to thank those of you who

participated in these negotiated agreements. This issue has been one that has been difficult for us at its original inception when it was originally proposed to us. I actually think that along the process, and I want to congratulate Commissioner Holian with regard to her advocacy with her constituents. Oftentimes when we have to balance what's in the best interest of the constituents that vote us into office and what's in the best interest of Santa Fe County as a whole, that balance is very difficult. So I know that she participated in the negotiated agreement and that you did too, Commissioner Stefanics. As we heard, that was not an easy thing to do. I'd like to thank you for stepping up to the plate and representing the Count on behalf of Santa Fe County and the Board of County Commissioners and thank you for bringing this to a settlement.

CHAIR STEFANICS: Thank you. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, just some quick questions. Steve, was this a court-ordered settlement?

MR. ROSS: Madam Chair, Commissioner Anaya, no.

COMMISSIONER ANAYA: So, court-ordered mediation?

MR. ROSS: There was a court-ordered mediation in the sense that the parties asked Judge Brown for the opportunity to explore mediation so he stayed the case pending this work.

COMMISSIONER ANAYA: And who was invited to participate at the mediation?

MR. ROSS: The plaintiffs, obviously, the attorneys for the plaintiffs and some representatives of the plaintiffs. The County was invited to participate. The federal magistrate specifically asked that myself, the County Manager and the chair of the County Commission be chair and we also included the vice chair. Also, several weeks ago it was proposed that the

attorneys and representatives of the neighbors participate and we arranged for that, but then a day or two before the mediation they sent us a letter declining to participate. So they did not participate. But responsive to your question, they were invited and were felt unless until a few days before the mediation to be participants.

COMMISSIONER ANAYA: What's the status of the case if this settlement is not approved? What happens next if this is not approved?

MR. ROSS: Madam Chair, Commissioner Anaya, if the settlement is not approved the case goes back into full litigation mode on January 1.

COMMISSIONER ANAYA: What's the cost of the settlement to the County?

MR. ROSS: Madam Chair, Commissioner Anaya, the direct cost to the County is between \$300,000 and \$400,000 representing the water line and the sewer system. There is the possibility of revenue from the – not a possibility, a probability of revenue accruing thereafter from the water system and possibly from the sewer system as well, depending on how things shake out in the future. The insurance company which is representing the County is going to pay some amount for attorneys' fees but we don't know what at this point.

COMMISSIONER ANAYA: That was my last question. Are the costs attributable in the settlement attributable to our insurance coverage or is it a direct cost from general fund or other – somewhere else?

MR. ROSS: Madam Chair, Commissioner Anaya, the insurance settlement will be paid by the insurance company. Of course those funds are general – what we use to pay for our insurance company is general fund revenue. The remaining funds to construct the utility improvements I assume we're going to cobble together from bond funds, GRT, whatever we have available for capital improvements.

COMMISSIONER ANAYA: And – okay. That's all I have right now, Madam Chair.

CHAIR STEFANICS: Thank you. Any other questions or comments? Is there a motion? I would move approval of the settlement agreement.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: Okay, we have a motion and a second. Is there further discussion on approval of the settlement agreement?

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Commissioner Holian.

COMMISSIONER HOLIAN: I would just like to read a short statement. CHAIR STEFANICS: Okay.

COMMISSIONER HOLIAN: This lawsuit was brought against the County by the UDV Church and it involves a federal law called RLUIPA, which stands for the Religious Land Use and Institutionalized Persons Act. RLIUPA has never before come up in any land use case considered by the Board. In the settlement of this lawsuit nearly every concern raised by the Arroyo Hondo community was addressed and agreed to by the church. As Commissioner, I have to keep both my constituents' interests as well as those of the taxpayers in the county in mind. I believe that the difficult settlement that we've negotiated accomplishes this tax. Thank you, Madam Chair.



CHAIR STEFANICS: Thank you. Anything else? We have a motion and a second.

# The motion passed by majority [4-1] voice vote with Commissioner Anaya casting the dissenting vote.

CHAIR STEFANICS: Thank you very much for your work on this, Mr. Ross and everyone involved.

# VIII. PRESENTATIONS

### A. A Presentation by Lee Manning of the La Cienega Studio Tour Association [Exhibit 2: Brochure]

COMMISSIONER ANAYA: Madam Chair, it's an honor and a privilege to bring Lee Manning forward. Paul Murray and I believe Mr. Dickens is here as well, the president of the La Cienega Valley Association. I would ask them all to come forward. It's exciting to have the opportunity to give them the opportunity to showcase their tour. I'm going to be doing this across the districts for other studio tours. I know we have many throughout the county. But Mr. Manning, thank you for being here. The floor is yours.

LEE MANNING: Thank you. I appreciate the opportunity to come and talk to you about our studio tour. A lot of people know La Cienega. They know it from Sunrise Springs Resort Center. They know it from El Rancho de las Golondrinas. They know it from – what is that white thing on the hillside? It was a racetrack and now it's a flea market. A lot of people do not know that we have a studio tour and we have been doing it since the early seventies. Thirty-nine years this year for the tour.

The studio tour basically gives the artists in that community – a lot of artists – the opportunity to open their studios, to invite guests into their studios and for people who are art collectors to be able to just see the situation, the environment that the artists work in. You should have at your chairs the studio tour map and in the center of that you can see that the artists are basically a variety. There's quilting, there's painting, there's photography. There's metal sculpture. Paul Murray has brought a piece of his art work, which you might want to hang up, hold up. I brought – I'm a photographer, so, this is just a couple of samples of some of the styles of work.

If you look on that chart you'll see Gilberto Romero, who's very popular at the Spanish Market who is currently in China doing some negotiation with some of the Chinese artists to set up a studio. Paul Murray wins awards all the time and is hanging in several galleries down in Albuquerque. I currently have an exhibit of Native American dancers at the Okey Ohwingheh Casino Pueblo that I was invited by the governor to hang there. We have some artists who are exhibiting as far as Hawaii. So there's just a real variety of artists.

There's some new ones who will not even – this is their first show. This is their first opportunity. We have visitors. Visitors know La Cienega. They come to Santa Fe and love Santa Fe, but a lot of people come back every year during the holiday season and they come out. They know about this because they've been coming and they are some of the repeat

clients of the artists. We get a real good turn out, good support. Carl Dickens is the president of the La Cienega Valley Association, has over the last few years that I've known him, has been very supportive of us and we appreciate that. As a result Las Golondrinas and Sunrise Springs, the two businesses in the area have been very supportive as well. Sunrise Springs Resort Center has opened up their doors to their atrium so that some of the artists of the studio tour – studios are a little bit too small to handle big crowds – are allowing us to exhibit there.

So this is next weekend, Thanksgiving weekend. It's always been on Thanksgiving weekend, Saturday and Sunday. It is probably the oldest in the state of New Mexico. So we're real proud of that. And if any of you have any questions in regard to -

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: I really appreciate your bringing attention to this arts tour and the other small communities that are doing it, we really appreciate all the efforts of all the artists who are trying to do this. And we used to have the Arts, Culture and Entertainment Task Force here, ACE, and I have suggested that we pay attention to that again as we move forward. But La Cienega is actually one of the communities that's been more successful in moving ahead with their calendar, with the flea market, with the farmers market and now the studio tour. So you can see several benefits coming to the community and we really appreciate all of you working together and planning this together.

MR. MANNING: Thank you.

COMMISSIONER ANAYA: Madam Chair, Mr. Murray or Mr. Dickens, is there anything either of you would like to add at all?

CARL DICKENS: I think next to agriculture art is really an important part of our community. Having been married for 17 years to an artist I know full well what benefit the studio tour has. We're very proud of it; we're very proud of our artists so thank you very much for recognizing them.

COMMISSIONER ANAYA: Thank you, Mr. Dickens, Mr. Manning, Mr. Murray, and why don't you – Lee, I have the list in front of you but you probably articulate their names better than I will. If you could read through the list of people that will be showing, once again, November  $24^{th}$  and November  $25^{th}$  from 10:00 to 5:00 throughout La Cienega.

MR. MANNING: Gilberto Romero, who does some really fine metal sculpture, Frank Andrews, who does petroglyph sculpture, Paul Murray, who's standing here, who does oil painting and pastels, Sue Wyard does quilts and fiber art, Lee Manning , that's black and white dark room, non-digital photograph, Carolee Friday, who is also a photographer, she does digital work, Flora Kirk is an acrylic painter, LeRoy Thompson does oil painting and pastels and pencil sketching, Gary McCabe does monotypes, Sheila Kaplan does oil painting, Heather Carlson does acrylic and painting on wood, Emily Van Cleve does abstract painting. El Rancho de las Golondrinas actually has – they open up their gift shop because they have a lot of folk art and crafts. It's their last weekend so it's kind of a sale for them, and then Ty Anderle is a local businessman here in town does painted wooden vessels.

Some of these artists actually live off of their art. Some are hobbyists. A lot of them are retired. It's just a real nice variety and a nice community. And by the way, all along the

wall over here I just noticed you put the calendar of 2010 up there that has a lot of the residents of La Cienega. That was a very good calendar to do. It's really interesting when you get to know the different people in the community, because it's not hidden away so much; it's a great community of a real mixture of history and present-day work. So thanks again for the opportunity.

COMMISSIONER ANAYA: Thank you very much, Mr. Manning. Thank you, Madam Chair.

MR. MANNING: I put a bunch of these downstairs, on the benches. I was told I could do that.

CHAIR STEFANICS: Yes. We appreciate it very much.

MR. MANNING: For anyone who wants it.

CHAIR STEFANICS: Okay. We really appreciate you all coming. Thank you very much.

### IX. PROCLAMATIONS

# A. A Proclamation Recognizing November 15, 2012 as America Recycles Day

COMMISSIONER HOLIAN: Thank you, Madam Chair. I think that everybody recognizes the benefits of recycling, both for our economy as well as for saving our landfill. I think in fact one of the most important things that recycling can do for our community is to put less waste into the landfill, and that saves money, because actually we have a fairly expensive landfill. Also it potentially really extends the life of that landfill. And I have a feeling that as we go forward into the future it's going to be harder and harder to locate landfills. Less people want them in their backyard and there's going to be a lot more backyards as time goes on.

Also, another really important part of recycling is that it often saves water and energy. Take the example of aluminum cans. I think that it takes a lot less energy to make new aluminum cans from old aluminum cans than to make aluminum cans from aluminum that is just made from scratch.

November 15<sup>th</sup> is in fact America Recycles Day and so I would like to read the proclamation, and then Madam Chair, I would like to ask Bill Eigner, who is from Eldorado 285 Recycles to come forward to say a few words because he has made some really good suggestions as to how we can improve recycling at our transfer station.

Santa Fe County Proclamation recognizing November 15, 2012 as America Recycles Day in Santa Fe County.

Whereas, the recycling rate in Santa Fe County is only one third the national average – 11 percent versus 33 percent;

Whereas, the sale of recycled commodities helps to support our Caja del Rio Landfill and materials processing facility at the Buckman Road Recycling and transfer station, BuRRT;

Whereas, more recycling will extend the life of the Caja del Rio Landfill, providing future savings;

Whereas, BuRRT is only operating at half its designed capacity;

Whereas, higher levels of recycling by residents, businesses and institutions would provide BuRRT with more feedstock yielding greater revenue to the community;

Whereas, recycled commodities are made into new, useful products and reduce the use of natural resources, water and energy;

Whereas, recycling offers more job opportunities than landfilling;

Whereas, burying useful resources in a landfill is wasteful, costly, and produces greenhouse gases;

Whereas, community leaders must spread the word about the excellent recycling programs that have been established in Santa Fe County, the growth of markets for recycled materials and the importance of buying recycled products;

Now, therefore be it resolved that we the Board of Santa Fe County Commissioners recognize observance of November 15, 2012 as America Recycles Day in Santa Fe County. And we urge all members of the community to observe this day by committing to starting or increasing recycling, reducing waste, and using products made from recycle material in every way they can.

Madam Chair, I move for approval.

CHAIR STEFANICS: Thank you. I would second. Is there discussion, comments, from the Commission about this proclamation around recycling?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I think the proclamation is good. I appreciate the efforts of Commissioner Holian. I think we always need to figure out and encourage people to recycle and do as much as they possibly can while on our end doing what we can to support it. Thank you.

CHAIR STEFANICS: Thank you. Anything else?

#### The motion passed by unanimous [5-0] voice vote.

CHAIR STEFANICS: And Commissioner Holian, did you have a speaker? COMMISSIONER HOLIAN: Yes. Mr. Eigner, please come forward. He's with the Eldorado 285 Recycle Coalition.

BILL EIGNER: Thank you, Commissioners. I'd like to thank Commissioners Vigil, Holian and Mayfield for their very good work on the joint City-County board that supervises BuRRT and the landfill. I'd like to thank Commissioner Holian and Commissioner Mayfield for their very good work on the recently established solid waste task force and thank the entire Commission for setting up that task force. If you read yesterday's front page story in the *New Mexican* you'll know that the City, even though it provides recycling service at no extra charge beyond their regular trash collection fee, only one third of Santa Feans participate in that program, resulting in a very low recycling rate that Commissioner Holian mentioned for the entire district.

The County provides excellent, free recycling services at its seven transfer stations and extremely low-cost trash disposal service at those transfer stations. Nevertheless, only 20





to 30 percent of county residents make use of these facilities. I think the task force has taken one of its main goals as trying to deal with this situation and I think they have made an excellent start and I will applaud the entire task force, especially our two Commissioners for participating and working toward that goal. Thank you. If you have any questions I'd be glad to respond.

CHAIR STEFANICS: Thank you, Commissioner Holian, and I want to commend you for your strong efforts in the Eldorado and the 285 Corridor, and hopefully your efforts are going to be mirrored in other parts of the county as people learn about what you're doing. So thank you and please keep it up.

MR. EIGNER: Thank you.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair and Commissioner Holian, thank you for this undertaking and recognizing this endeavor and I think it's very much appreciated throughout our community. We do have four or our transfer stations closed on the 15<sup>th</sup> though and I don't know if it will be possible or what expense it would be for Santa Fe County to open up the Nambe transfer station, the San Marcos transfer station and the Rancho Viejo transfer station for the 15<sup>th</sup> to allow the recognition of this day to accept the recycled materials. I don't know what the cost involved would be for that but I do think just in recognition of this day we could get a press release out and do that. I think it would be warranted.

COMMISSIONER ANAYA: Madam Chair, on that point.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: On that point, I think if we're able to do it or borrow staff to do it to help make that happen I think it makes sense. It goes in line with encouraging as much recycling as we can in as close proximity to people's homes as possible. So I would support what Commissioner Mayfield just said.

CHAIR STEFANICS: And Ms. Miller, is the reason some of them are closed because of the staggering of staff?

MS. MILLER: Madam Chair, Commissioners, yes. The schedule is such to make sure we have enough staff to cover them, and without working overtime to keep them open but we might be able to look into doing that for that day. They'd be on overtime. We don't have enough staff to staff them seven days a week, because of work schedules.

CHAIR STEFANICS: Ms. Miller, do we have two staff at every transfer station now?

MS. MILLER: Madam Chair, I think all of them except for the smaller ones, yes. And that was for concerns brought up by the union for safety of employees, and also to better serve the members that come in.

CHAIR STEFANICS: I understand that was the goal, but I don't know that that's really working right now. Mr. Martinez, are you over this area? Could you come up? Thank you, sir.

MR. EIGNER: I'd also like to point out though that this entire week is National Recycling Week, and there are events throughout the county and the city,

celebrating this week. So Thursday is not the only day we have an opportunity to enhance our recycling.

CHAIR STEFANICS: Great. I'm glad you're clarifying that for us. So it's really a weeklong effort. For the public, we don't want you to think that there's only one important day we really want to bring attention. Thank you. I appreciate that. Mr. Martinez, could you just talk about if we have a high vacancy rate or if we're fully staffed at the transfer stations?

ROBERT MARTINEZ (Public Works): Madam Chair, Commissioners, we are currently fully staffed at the transfer stations. We do only have one attendant at Nambe, Tesuque and Stanley on a normal basis. We do not have the staff to provide two employees at each station at those facilities. Also, those three facilities are lower visited stations so we probably get on an average of maybe five to 15 customers at those lower-use stations, which really wouldn't require two individuals, other than for safety purposes, but to accommodate the amount of residents that come in, they're pretty low volume transfer stations.

CHAIR STEFANICS: Thank you very much.

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: Robert, the customers who are accustomed to transferring or even bringing recyclables there is minimal. I guess you said maximum 15. They're not accustomed to Thursday being an open day, are they?

MR. MARTINEZ: Madam Chair, Commissioner Vigil, that is correct.

COMMISSIONER VIGIL: So there would have to be some kind of outreach for this, and even at that I wonder if you'd gain a benefit of paying overtime for an employee.

MR. MARTINEZ: Madam Chair, Commissioner Vigil, we could possibly ask for volunteers from other sections to assist at those stations on that day, but there's only three stations that are closed on Thursday – Nambe, Tesuque and San Marcos. And the Rancho Viejo recycling center.

COMMISSIONER VIGIL: Madam Chair and with all due respect to my colleague I actually think this is an administrative decision. It really needs to be looked at in terms of cost efficiency and while I think it is a really good thing to do I'm not sure we're going to be getting the outcomes that are intended here unless Commissioner Mayfield has some ideas on the outreach and I'm not sure that we should make a decision that really requires an administrative evaluation. So with that, I like the idea of promoting it. I just don't think opening one particular station is going to do that, nor do I think we'll get the outcomes we want unless there's a real particular outreach, marketing, that kind of thing for that particular day to highlight it.

COMMISSIONER MAYFIELD: Madam Chair, that's fine. I just was recognizing the importance of the proclamation and just informing that we are closed on the day of the proclamation recognizing the 15<sup>th</sup>. And just we are going through our Solid Waste Task Force community groups and making recommendations and just to help identify the importance of our solid waste transfer stations and the recycling efforts that they provide and promote to our community and the importance of our Solid Waste Task Force and transfer

stations and the importance that they do promote for recycling efforts. So that's what I was trying to bring that awareness to them also. Thank you.

COMMISSIONER HOLIAN: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Holian.

COMMISSIONER HOLIAN: I will just point out that Mr. Eigner and I were on the radio yesterday evening on the journey home and I think that we did publicize a lot of what our county is doing in the way of solid waste and our plans for the future. And so I think that we have gotten some PR out there.

CHAIR STEFANICS: Thank you very much. Is there anything else on this? We've already voted on the proclamation. Any other comments? Okay. Thank you very much.

# IX. B. Resolution No. 2012-150, a Resolution in Support of Healthy Kids, Healthy Economy Program

COMMISSIONER HOLIAN: Thank you, Madam Chair. Well, I don't know about you but when I was growing up my mom always told my brother and me to eat our vegetables, and by golly, we did eat our vegetables, although my mom was a little bit progressive in that she let both my brother and me have a vegetable that we didn't have to eat. Mine was eggplant and his was lima beans.

So I think that one think that we all agree on is that it is very crucial that our children have access to healthy food, and not just access to healthy food but that they actually do eat healthy food. I was actually really shocked to find out that nowadays 25 percent of the children in our state not only don't have healthy food but that they're actually even subject to food insecurity. That is, sometimes they don't even know that they're going to have a meal. So that means that school lunches are really, really important for those kids. That may be their only really good meal of the day.

And there is now help on the horizon for kids in schools. They're not just getting junk food. There's a new USDA federal rule that requires more fruit and vegetables in school means. Now, if those fresh fruits and vegetables are actually purchased in New Mexico there's going to be two benefits. Of course one, kids are going to be able to have healthy food, but number two, it's really going to help the farmers in our communities to be able to make a living, a better living.

So I think that this is really an important thing to recognize. I do not want to read the resolution because it's kind of long but I'm just going to summarize what this resolution asks for. And what indeed it asks for is that the State Legislature appropriate \$1.44 million to purchase locally grown fruits and vegetables for school lunches. Now, I want to just say that this legislation is sponsored by Senator Pete Campos and Representative Ray Begaye, and I would like to ask Pam Roy, who is on our Food Policy Council, and anybody else who would care to speak on this issue.

PAM ROY: Madam Chair, Commissioners, and thank you, Commissioner Holian for sponsoring this request and resolution, and I really appreciate that the County is actually looking at this important issue. Just a few details in addition to what Commissioner

Holian shared with us. This is a little bit like the procurement resolution that you all passed two years ago, which is about procuring and really getting more local produce into various agencies and things like that. This is very much focused on schools. We've had this appropriation request at the legislature for the past five years. Little by little.

The great news is, and we do have for your review afterwards, we went from 11 school districts last year purchasing New Mexico-grown produce to 53 school districts all around the state and map. I've had more school districts calling us. One of the best partners we have in that, besides our farmers who went fro 15 to 50, literally, from last year to this year participating in the program. The state FASN Bureau, which is called the Food and School Nutrition Bureau, has a truck that's out on the road all year round. They are the ones that are supplying schools with USDA donated commodities for schools. They are our transport mechanism for farmers to be able to provide their product all around the state, and it's working beautifully. We've had only one season with that truck on the road under our belt starting now and schools are responding beautifully as well as those of the districts.

So we're asking the Commission to support this resolution, the opportunity as we move into the legislative session to have the County there with us. The Santa Fe School District was the first school district to purchase New Mexico-grown. We started the program with the organization Farm to Table with a starting grant and the Department of Agriculture and the Santa Fe School District ten years ago and we have a staff person who's full time who's a nutrition educator and her goal and role is to also work with farmers to bring that product into the schools during the season. And even now farmers are doing more to have winter crops, season extension as we call it. Refrigeration, more infrastructure is being put in. And so far this year we've seen about half a million dollars in produce from local farmers in New Mexico going into the school. A lot of apples, melons, carrots, tomatoes, greens and things like that.

So I'm happy to stand for questions. I want to thank also our Santa Fe Food Policy Council. Our colleagues here today, our coordinator Rubina Cohen and her little baby Leah, who's our future kid who's going to eat produce, and Elena Paisano, who's been working on a City and County food plan, and this would be a part of that food plan, a comprehensive food plan for both the City and County. And I stand for questions. Thank you.

COMMISSIONER VIGIL: I have a question.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: Hi. Thanks for being here. Thanks for all the work. You're a wonderful advocate for food policy as a whole. I actually have a question. Is this request in addition to the funding being requested by schools through PED or is this going to be a request that gets encumbered by those dollars?

MS. ROY: Madam Chair and Commissioner Vigil, the way it works, there's already legislation in place. The current legislation actually has the funding going over to the Department of Agriculture. So Secretary Witty, who is the Secretary of Agriculture and Secretary Scandera, who is the Secretary of Education, they're working on that where we all feel that the language should be that the funding goes to the Public Education Department. They already have a system set up to actually incorporate the product into their line items, so they're staged well to actually take it on and because the school districts themselves are

already on board and have PO's in place, purchase orders in place and things like that, we've sort of gotten the cogs turning. So it isn't like implementing a brand new system. This is like putting an additional line item into their budget.

COMMISSIONER VIGIL: So how will each school be applying for this, because it's a limited dollar amount? Do you already have schools that are down the pipeline doing this and do they get a priority.

MS. ROY: Madam Chair and Commissioner Vigil, a good question, actually. Not a priority necessarily. A specific program that the public education program already has in place and they see this potentially as a good way of doing the set of funding is what's called the federal Fresh Fruit and Vegetable Snack Program. It is a request for proposal process by districts and the districts apply for funding. It's the sort of funding that goes through the SNAP program. We see this particular avenue of applying for additional funds for the Fresh Fruits and Vegetables and being a potential. That decision hasn't been made clearly yet but that's a process that is looked at as one that they might find the easiest way to actually handle it. And you're right; we'd love to ask for more dollars for this program but we realize that this is probably an adequate request. Begin the program, see how it goes, build on what's already happening.

And one other thing that Commissioner Holian, as you mentioned, that during the federal rules, they are now requiring twice as many fruits and vegetables on the plates, the school plates. So we're falling in line with that. What didn't follow in line with that new regulation was enough funding to actually pay for those fruits and vegetables. It's six cents per plate, and across the board, even the food and nutrition service thinks it might be as much as 25 to 50 cents. So we're asking the state to help with the investment in that.

COMMISSIONER VIGIL: Thank you. Thank you, Madam Chair. CHAIR STEFANICS: Thank you. Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Pam, thank you very much for your work and continued efforts. Do we have a good directory of growers and people who provide products in Santa Fe County that we could publicize more or help you with getting the word out?

MS. ROY: Madam Chair and Commissioner Anaya, that's a great question. Actually, we have a list of farmers in the region and statewide. [inaudible] 50 that are already involved in this program. We'd love to get more involved and we'd love to see some of the farmers in Santa Fe County involved. Many of the farmers who are in Santa Fe County of course sell at the farmers market, so we don't have as many who necessarily might want to sell to the schools. But we do right on the borders. For instance the Trebachs who are actually Torrance County but they're like right over the line, and they've expanded their whole operation to actually – they've put in more drip irrigation instead of flood irrigation to actually ramp up and may do so with the schools and find it would be profitable. But it would be great to work with you all on a list. I know we could get a portion that we have, a list, but I'm sure there are some updates that we could add to and I'd be happy to work with you on that as well if you'd like.

COMMISSIONER ANAYA: Madam Chair, I definitely think that the work of the Food Policy Council has been beneficial to the state and Santa Fe County in particular,

but I would be willing to try and help as much as I could to try and assemble the many different farmers and producers that we have throughout the county so that the general public understands who's out there and has access and knows how to contact them. I think many times it's just as simple as not knowing where they are or how to access those locally grown products. So I appreciate your work and your efforts.

MS. ROY: Thank you. Thank you, Madam Chair and Commissioner Anaya. Happy to work with you on that. One of the pieces, we want to do that work over this wintertime, production planning with producers, so it will be a perfect time to actually really look at who else might really want to be involved. Thank you.

COMMISSIONER HOLIAN: Madam Chair. CHAIR STEFANICS: Yes, Commissioner Holian. COMMISSIONER HOLIAN: I move for approval. COMMISSIONER MAYFIELD: Second, Madam Chair. CHAIR STEFANICS: There's a motion and a second for approval.

# The motion passed by unanimous [5-0] voice vote.

# X. <u>APPROVAL OF CONSENT CALENDAR</u>

CHAIR STEFANICS: Are there items that you would like removed,

Commissioners?

COMMISSIONER MAYFIELD: Move for approval as presented, Madam

Chair.

COMMISSIONER VIGIL: Second.

CHAIR STEFANICS: There's a motion and a second for approval of the Consent Calendar.

#### The motion passed by unanimous [5-0] voice vote.

CHAIR STEFANICS: I'm sorry. There are some resolutions. Is there anybody in the audience who came for items XI. B. 1, 2, and 3? Those are resolutions. Is there anybody in the audience that wishes to speak on Resolutions under XI. B. 1, 2 or 3? Okay, seeing none, the Consent Calendar is approved.

# XI. <u>CONSENT CALENDAR</u> (Public Comment for Resolutions)

# A. <u>Appointments/Reappointments/Resignations</u>

- 1. Approve Appointment of Elizabeth Salinas as County Department Member to Serve on the Santa Fe City and County Advisory Council of Food Policy (Growth Management/Penny Ellis- Green)
- 2. Appoint Marcial Valdez to the Nambe Community Center Board (Community Services Department/Health and Human Services Division/Teresa Casados)

- 3. Appoint Suzanne Shaw to the Nambe Community Center Board (Community Services Department/Health and Human Services Division/Teresa Casados)
- 4. Appoint Dennis Ortiz to the Nambe Community Center Board (Community Services Department/Health and Human Services Division/Teresa Casados)
- 5. Appoint David Dogruel to the Nambe Community Center Board (Community Services Department/Health and Human Services Division/Teresa Casados)
- 6. Appoint Narciso Quintana to the Nambe Community Center Board (Community Services Department/Health and Human Services Division/Teresa Casados)
- B. <u>Resolutions</u>
  - 1. Resolution No. 2012-151, a Resolution Establishing Procedures for the Orderly and Uniform Administration of the Santa Fe County Process for Road Acceptance, Designation or Redesignation, and for the Vacation of County Maintained Roads, Therefore Repealing and Replacing Resolution No. 1998-119 (Transportation & Solid Waste/Adam Leigland)
  - 2. Resolution No. 2012-152, a Resolution Requesting a Budget Increase to the Developers Fee Fund (231) to Budget Cash to Provide Homebuyer Subsidies Secured By Affordable Notes and Mortgages for Three Homes to Be Sold Under the County's Foreclosure Prevention Program/\$74,000 (Growth Management/Steven Brugger, Finance Division/Teresa Martinez).
  - 3. Resolution No. 2012-153, a Resolution Accepting Fire Station Road, Calle Lomita and a Portion of Avenida Ponderosa for County Maintenance (Public Works/Adam Leigland)

# XII. STAFF AND ELECTED OFFICIALS' ITEMS

# A. <u>Human Resources Department</u>

1. Resolution No. 2012-154, a Resolution Requesting BCC Approval for the 2013 Santa Fe County Employee Calendar

BERNADETTE SALAZAR (Human Resources Director): Madam Chair, members of the Commission, this request is the annual request for our 2013 Employee Calendar. The holidays that are being requested are consistent with previous years and I stand for any questions.

CHAIR STEFANICS: Thank you. This is a resolution, Commissioners. Has everybody reviewed the holidays? Are there any questions? Ms. Miller, are we not giving the day after Thanksgiving as a holiday?

MS. SALAZAR: Madam Chair, it is the day after Thanksgiving, but the holiday is actually President's Day.

CHAIR STEFANICS: Thank you for pointing that out to me. Are there any other questions or comments? We need a motion please.

COMMISSIONER HOLIAN: Madam Chair, I move for approval of Resolution No. 2012-154. CHAIR STEFANICS: Okay. Is there a second?

> COMMISSIONER ANAYA: Second. CHAIR STEFANICS: Thank you. Any discussion?

#### The motion passed by unanimous [5-0] voice vote.

XII.

Α.

2.

# Request Approval of the Collective Bargaining Agreement Between the International Association of Fire Fighters (IAFF) and Santa Fe County

CHAIR STEFANICS: Ms. Salazar, could you summarize this for us? MS. SALAZAR: Madam Chair, members of the Commission, the Santa Fe County management team and the union bargaining team have been negotiating for about the last 18 months. Both parties have mutually agreed upon the entire contract and it has been ratified by the union. Some of the highlighted changes include language clarification, some additions to our grievance procedure, which now allows for mediation prior to arbitration, there was some language added in our health and safety article which prohibits hazing and teasing and it's specifically written in the union contract.

In regards to economic items I think both parties really recognize the economic status and are working towards more benefits to employees so some of the things we negotiated are additional annual leave for employees who have ten years or more of service, which will be equivalent to about an extra day of holiday for those employees, similar to other County employees including 911 and other unions. We also negotiated a temporary salary adjustment consistent with other unions as well as non-union employees, and then a one percent cost of living adjustment to be effective the first full payment in January of 2013, again consistent with 911 employees as well as other bargaining unit employees. And in summary, that's what was negotiated. I stand for questions.

CHAIR STEFANICS: Thank you. Are there any questions or comments on this item?

COMMISSIONER MAYFIELD: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Mayfield.

COMMISSIONER MAYFIELD: Do we have any representatives from the union that would like to comment?

CHAIR STEFANICS: Are there any representatives from this union, the firefighters that would like to comment on this collective bargaining agreement? There are none, Commissioner.

COMMISSIONER MAYFIELD: Okay. Madam Chair, Ms. Salazar, would anything prohibit us in the future – I know we're going to be looking at our budget for next

year – that would be prohibitive if this Commission decides to maybe put in place merit increases, cost of living increases, for our employees in the next calendar years?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, we can definitely look at that during the budget process. However, with each union we would have to negotiate that with them if it's not already within their contract.

> COMMISSIONER MAYFIELD: Okay, thank you. Thank you, Madam Chair. CHAIR STEFANICS: Thank you. Is there a motion for approval or any

further comments?

COMMISSIONER HOLIAN: So moved.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: There's a motion and a second to approve the collective bargaining agreement between the International Association of Firefighters of Santa Fe County. If there's no other discussion all those in favor please say aye.

#### The motion passed by unanimous [5-0] voice vote.

#### XII. B. Administrative Services Department

- 1.
- Request Approval of Agreement No. 2013-0103-SD/MS Professional Services Agreement with Santa Fe Animal Shelter & Humane Society to Provide Animal Control Services for a Total Compensation of \$495,222.70, Inclusive of GRT for a Three-Year Period

BILL TAYLOR (Purchasing Director): Thank you, Madam Chair, Commissioners. The Santa Fe Animal Shelter is a sole-source provider in Santa Fe that houses stray animals that are impounded by Santa Fe County Animal Control Division and the City of Santa Fe Animal Control Division. There is no other contractor or organization that can provide these types of services and facilities on behalf of local governments in Santa Fe. Madam Chair, with that I'll stand for any questions from the Commission.

CHAIR STEFANICS: Thank you. I'd like to comment. I had some concerns at the last meeting that we didn't have a process in place to do a lot of outreach and active licensing. Subsequently, just a few days later there was a great report in the newspaper that actually identified how people can go on line and get their animals registered and I really appreciate that. I would ask that the Sheriff's Department ask for a list of all cooperating and participating veterinarians in this because I have heard that some veterinarians feel left out, so maybe we could get a list of that. Are there any other comments or discussion? Commissioner Vigil.

COMMISSIONER VIGIL: Here's an inquisitive question for either animal control or Bill, maybe you know. When a stray dog is placed there, do they place a chip on

the dog at all? I know they do that as a standard routine in other counties. Do we do that here?

AUDREY ESQUIVEL (Animal Control): When we take an animal into the animal shelter, if it is not picked up by its owner, and it goes to adoptions or transfer then yes, they do chip it. If the owner comes to pick it up they have the choice to micro-chip it or not to micro-chip it.

COMMISSIONER VIGIL: Okay. Thank you. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. If there's no other questions or comments I would move approval of this contract.

COMMISSIONER ANAYA: Second. CHAIR STEFANICS: Okay, any further discussion?

The motion passed by unanimous [5-0] voice vote.

# XIII. MATTERS FROM THE COUNTY MANAGER A. Reports (Carried Over From October 30, 2012 BCC Meeting)

MS. MILLER: Madam Chair, at the last BCC meeting we didn't have time to go over the reports, the financial reports, so I did ask Teresa, if she had it with her if she could just give you a quick summary of it. They're not in your packet; they were in your last packet, but she was going to present that at the last meeting and Bern and I think Pablo is also prepared if you have any questions. But I asked them to go ahead and give you a summary.

TERESA MARTINEZ (Finance Director): Madam Chair, members of the Board, the report I'll be referring to is for the quarter ending September 30<sup>th</sup>. I'll summarize that at the end of September we collected a total of \$23.6 million from all revenue sources, so that's all funds. The largest share obviously, of revenue sources comes from property taxes, which totaled \$2.6 million.

CHAIR STEFANICS: Ms. Martinez, you have to remember that we don't have these materials because they were last time, so you might want to go just a little slower in case any Commissioners have any questions.

MS. MARTINEZ: Okay. So total revenues of \$23.6 million. Of that, property taxes totaled \$2.6 million and GRTs materialized at \$11.6 million. That's across all funds. We also had expenditures totaling \$46.5 million. Of that, capital expenditures were \$10.6 million, and July is a heavy month for us where we pay our debt service payments and we had \$10.9 million. That left operational expenditures of \$25 million.

The property tax collections of \$2.2 million through September exceeded the budget of \$1.9 million by \$321,000, so we're to the better by \$321,000. The collections were also \$74,000 better than the previous year's collections and we're just above what we collected in the previous year, so that's good.

From the GRT perspective, both the countywide and the unincorporated GRTs totaled \$9.9 million. We don't include the \$1 million that passed through for the Regional Transit District. The collections themselves were \$276,000 better than the budget and they were just below the prior year collections by \$160,000. So the GRTs still aren't tracking at the level

that we received last year. So we had done, if you'll recall, countywide GRTs flat and we've decreased the unincorporated GRTs by five percent, just in case.

So if we look at the total GRT collections, we were one percent below the prior year and countywide GRTs were \$130,000, also below the prior year. It's the unincorporated GRTs that we're keeping an eye on. They're down \$30,000 or eight percent from the previous year's collections. So we'll keep an eye on that.

The general fund, we had total revenue sources of \$6.2 million -

CHAIR STEFANICS: So let me just back up a minute. So you're saying we are still eight percent down on the collections of GRT?

MS. MARTINEZ: As it relates only to the unincorporated GRTs. Those GRTs that are not charged in the city, only in the county.

Now, general fund, we had revenue sources totaling \$6.2 million. Of that, what we consider recurring revenue was \$5.9 million. The revenues are slightly below the previous fiscal year's revenues by a total of \$129,000.

We had expenditures in the general fund totaling \$6.5 million and recurring expenditures totaled \$5.76 million. The general fund expenditures were about \$144,000 or two percent greater than the expenditures that we incurred the prior fiscal year for the same time period.

Our fire fund, we have recurring revenues of \$4.7 million. That's basically made up of GRTs, ambulance charges, and some of the grants. We had expenditures totaling \$3.3 million and the majority of the, \$2.98 million were considered operational expenditures, that would be recurring expenditures.

Our corrections fund, we had recurring revenue of \$2.4 million. The care of prisoners revenue was \$1.2 million and that's about \$325,000 greater than the previous year's collections, so that's a good sign for care of prisoner revenue, increased contracts. Our total expenditures for the corrections fund were \$3.9 million and just about all if it, \$3.8 million, is considered operational. The remainder of the \$124,000 can be attributed to capital projects that were going on at the time.

So in summary, the first quarter revenues and expenditures were as follows: Property taxes of \$2.2 million. They exceeded budget by \$321,000 and they exceeded the prior year's collections by \$74,000. The GRT taxes or the gross receipts collections of \$11.6 million – for all taxes, exceeded budget by \$900,000 and were slightly below the prior collections by \$161,000. I just want to let you know that we conducted our first quarter performance-based budget reviews and it went really well. We did it in a week's time and we met with each of the directors and their accompanying divisions to determine if the benchmarks and the measures that they had established were on line in terms of when they actually started tracking them. Is this something I can feasibly track or was I off-base? So we'll be conducting the second quarterly reviews and we'll bring a report to you when we bring our mid-year review and report to the Board. I stand for questions.

CHAIR STEFANICS: Thank you. I appreciate that. Commissioners, any questions, comments? Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Ms. Martinez, Ms. Miller, a couple things for the January meeting, just thinking ahead. I think it would be helpful to have

some information and a dialogue about our tax rate that we have in the county, a discussion about yield control – those two pieces, and also some discussion and review relative to fees that we charge as well as gross receipts taxes. I think that will be helpful for the public and I think it will be very helpful for all the Commission, but especially Commissioner Chavez who will be coming in in January.

The other thing I would suggest is we're right smack in the middle of trying to work through our code issues and I know that month after month we hear about gross receipts taxes that have dropped in the unincorporated area. As we go through the code I would really like us to – and I know we've already done it with home occupation to try and make our rules more business friendly. I think we need to carry that same spirit through the rest of the code and maybe have an analysis of what our requirements are like in comparison to the city requirements so that we encourage, within the framework of our sustainable land use code and plan, but that we encourage small business through the unincorporated areas to spark more business growth in those pockets.

But I think what's going to be helpful for that discussion is some framing of what we collect in GRT in those areas and then us being conscious of what we can try and do to increase or augment work for businesses in those unincorporated areas. So if we could have some – maybe those could be added to the normal presentation that you do I think it would be helpful. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. That also leads me to perhaps a discussion at a different time of a summary of what we're doing in economic development. Who's in that position? Are we at a temporary contract? Permanent person? And learn a little bit about where and who we're interfacing with. Thank you. Okay. Other questions, comments? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, I found it very beneficial when I came on to the Commission and I know I find it beneficial again. There was a meeting afforded to Commissioner Anaya and myself and I believe you and arguably I think all the Commissioners attended it. It's kind of like a pre-Commission get to know County government meeting. I don't know if that happened before we were seated or after we were seated. Manager Miller, I don't know again, if it was before or after, but were we planning on doing something like that with Commissioner-elect Chavez?

MS. MILLER: Madam Chair, Commissioner Mayfield, we have two things. We have one thing scheduled for him for things that he asked to sit down so we have a day to just go through things with staff on certain issues that he wanted to know about. And then we also have – he is signed up to go to the Association of Counties – what they call kind of boot camp, the introductory program they put together for two or three days at the end of this month. So he is going to be attending that as well.

COMMISSIONER MAYFIELD: But we're not going to do an in-house one like we did here for Commissioner Anaya and myself?

MS. MILLER: Well, he's asked for some specific things that he wanted to get caught up to speed on. Additionally, he's been meeting with different – he's been meeting with me fairly regularly, getting caught up on the current issues that we have, as well as staff, like Land Use to understand where we are on the code. We weren't going to do a full-on

introductory thing because he's been, since he was elected in the primary he's actually set up meetings individually and asked to get caught up to speed on areas that he wanted to know about and so we've been accommodating his request for those items. But we weren't going to do a whole day thing unless the Commission would like to do something like that, if there's certain subjects you'd like us to put something together we could definitely do that.

COMMISSIONER MAYFIELD: That's okay. Just asking.

CHAIR STEFANICS: On that point, we all had a pre-Board meeting with new Commissioners and these Commissioners had it with us and we had it with the former Commissioners. I think we do need to think about doing that, even if it's a half-day, publicly noticed meeting in early January, but it did provide an opportunity to identify any hot buttons, growing issues on the Commission. So I would concur, Ms. Miller, that we probably need that, even if it's not a full day or two days but at least a half day to have that publicly noticed meeting. I remember that when I attended that it was publicly noticed. No one came except for our own staff and it did not seem too intrusive at all.

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I support that. I think it makes good sense. We had some discussions but it was after the beginning of the year so I would agree with Commissioner Mayfield. I think before would be helpful. So I would agree. Thanks.

CHAIR STEFANICS: Before the beginning of the year?

COMMISSIONER ANAYA: I think so. I think so.

CHAIR STEFANICS: Commissioner Anaya, could it be before the first January meeting? The holidays are right there.

COMMISSIONER ANAYA: Yes, before the January would work perfect I

think.

CHAIR STEFANICS: Okay. Great. Thanks.

COMMISSIONER ANAYA: Between the first and the -

CHAIR STEFANICS: With that leeway.

COMMISSIONER ANAYA: Yes. Absolutely. Thanks.

CHAIR STEFANICS: Okay. So maybe – I know that in December we'll be electing our new officers if not before so maybe they could work out with you whatever we do, since I won't be serving as chair.

MS. MILLER: And Madam Chair, Commissioners, if you would give me some ideas of what you would like on that agenda so we can start putting some suggestions together and also we'll talk to Commissioner-elect Chavez about it as well.

CHAIR STEFANICS: Great. Thank you very much. Anything else? Okay. Thanks, Ms. Martinez. Ms. Miller.

MS. MILLER: Madam Chair, also Bern is available to do the HR report that she didn't get to do last meeting.

MS. SALAZAR: Madam Chair, members of the Commission, the report that was for September reflects all the activity that occurred in August, and two of the highlights for this report included a couple of job fairs in different districts. We participated in one

during the Eldorado flea market and we were able to reach probably about 50 people who had questions about County employment and asked what positions were open during that time, so it was a good time for us to do some communication with interested applicants.

We also conducted a job fair during the Nambe Center ribbon cutting ceremony, which we were also able to talk to interested applicants who had questions about what positions were open and what the process is for applying for a County job. So we feel like being able to go out and have that kind of outreach with people, letting them know what positions are available and what steps they need to take to possibly become a County employee is helpful to our recruitment efforts.

In addition, we also began our ethics training during that month and to date we've probably trained close to 300 employees. We've received a lot of good feedback working with the employees on a lot of different scenarios and have had lots of good questions about situations that arise.

We also had a couple of promotional processes within our Fire Department which we were able to promote employees who have been there for a few years to ranking officer positions, which is always a nice thing to see our employees get promoted.

And lastly, we had contact with the federal EEOC office and they have this new training package that they're providing to different entities to train student workers on workplace harassment issues. So even though we don't have student workers at this time we did request the package. It's a DVD and some training materials and we think it will be beneficial if we get to hire students again. And also we have talked about within the HR office about maybe partnering up with the local high schools and offer our services with their students when it comes to student employment.

CHAIR STEFANICS: Thank you. Commissioner Mayfield, did you have something?

COMMISSIONER MAYFIELD: Madam Chair, thank you. Ms. Salazar, thank you for the report. Let me ask specifically, did we have some job or some temporary employment opportunities this past summer for our open space programs that we didn't fill?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, we had a couple of temporary positions. I believe that there were a couple that were filled. I'm not sure but I can bring that information to you. I know that there were a couple of temp positions; I don't know how many of them were actually filled.

COMMISSIONER MAYFIELD: If you can find out, because I just was told that there might have been five or six individual positions that maybe we left unfilled and that went unaddressed this past summer that may have dealt with our open space programs. And I do know that we've brought up, or at least I've brought up issues of some of our parks that need attention.

CHAIR STEFANICS: I think Mr. Hogan wants to address that.

COMMISSIONER MAYFIELD: Thank you.

MARK HOGAN (Facilities): Madam Chair, Commissioner, I think we ended up getting two of the four on, but by the time the positions were approved and we got them hired on it was the tail-end of the season so we didn't end up hiring all four of the temp personnel. But we still have some representation from that pool.



COMMISSIONER MAYFIELD: So Madam Chair, Mr. Hogan, are we in a position to lose that money? Did we lose that money? Can we carry that money over? Was it just grant money? Is it permanent money?

MS. MILLER: Madam Chair, Commissioner, it's actually general fund and it will still stay in their budget. They will just be able to hire a little earlier in the spring for the rest of the positions, but it was built into the budget as seasonal workers for the summertime, spring through fall, temporary workers to help when the weeds are growing, things like that. So that money will stay in the budget until June 30<sup>th</sup>. Whatever isn't there will fall to cash balances and be rebudgeted to whatever, because it was general fund.

COMMISSIONER MAYFIELD: Sure. And Madam Chair, Ms. Miller, Mr. Hogan, I'm just going to say we've had a problem out in our open space area so there should definitely be a need for those employment opportunities. And we have young adults, older adults that need those jobs, so I would just hope that we would fill those positions. Thank you.

CHAIR STEFANICS: Thank you. Ms. Salazar, I had a couple questions. First of all, the job fairs that you've had, do have any kind of report on how many or if people did apply to the County for jobs, based upon those job fairs? And I guess the second part to that is do you have ideas for other places you could go for job fairs?

MS. SALAZAR: Yes. Madam Chair, we had two people from Eldorado apply that day, because we had the applications there. So we had two apply that day that we were there. Like I said we did reach a lot of people, answered a lot of questions but we actually had two apply that day. In Nambe, we didn't have any apply while we were there but again, answered a lot of questions. When we do our application process we ask how they heard about the job and things of that nature. So we didn't get a lot of response back from those two job fairs but even if we reach a couple people that's important to us because we don't always have a lot of positions that have been filled. If we can fill one, that's good.

I do have ideas to have additional job fairs in different areas of the county. Probably maybe in the Stanley area and I've talked to Commissioner Anaya a little bit about that. And in town also, maybe in the Agua Fria area. I've talked to Commissioner Holian as well. We're just putting the word out there and letting people know that we'll be available, even if we set up times at the fire stations on a particular day. Things like that. We definitely want to make the Public Safety Day an annual process, so we did get a lot of feedback from there, and a couple of the applicants during that process have just been hired with our Sheriff's Office, so again, we know it's working and it's all about outreach.

CHAIR STEFANICS: Thank you. I know that you and I had talked about perhaps doing some job fairs down Highway 14, maybe at one of the fire stations and I think we might still want to pursue that. And on a totally different note, you've been here quite a while with the County. How many years?

MS. SALAZAR: All together, almost 12.

CHAIR STEFANICS: Okay. In your experience here, has there ever been discussion about some kind of incentive, inducement program for continuing education for individuals? I know that we have some eager employees who jump at County College or who participate in the associate's degree program or the working college at the Santa Fe

Community College. But have we set up any kind of incentive program like if you participate in some kind of education you'll accrue points and the points might lead to something?

MS. SALAZAR: Madam Chair, we have not put in place any program like that, but that's definitely something that we can explore for employees who are interested. I think in my experience the County does a great job promoting continuing education for our employees, not only with degrees but County College and different training specific to their job. But we have not put in place a point system if you will for employees who do continue their education. But that's something that we can explore and I think that would be a good thing.

CHAIR STEFANICS: Well, the reason I ask about that, Ms. Salazar is that recently I had a County employee come to me and say I have this real interest in a job that wasn't in his field. And I said do you have any education or background in that, and he indicated no. And I said have you taken any workshops for that and he said no, but he has an interest. And I'm just thinking that if we have some long-term employees that we'd like to cultivate staying around, maybe something like that could work. And I'm just planting the idea.

MS. SALAZAR: Madam Chair, a few years ago we did start talking about a succession plan, and that kind of encompassed some of that information, where we had meetings and we talked to employees who were interested and said if you have a desire to move forward, where do you see yourself five years from now? Seven years from now? And how can we help you achieve that? So we did talk about it. We didn't really put a point system in place but we started the discussion and I just spoke with one of our directors today and he was explaining how he had a meeting with one of his employees and he was saying, where do you see yourself in the future and how can I help you achieve those goals? So I think that maybe by resurrecting that succession plan and engaging in conversation with employees and see how we can help, that can be the start of that project.

CHAIR STEFANICS: Thank you. Any other questions or comments? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, and I guess we're going to get undergoing budget discussions pretty soon, but Bernadette, I know Commissioner Anaya has advocated for this and addressed it and I've heard him numerous times. But has the County – I believe in the past the County's undertaken maybe a statewide study to look at where our employees are in comparison to other local governments, other state governments. I know Santa Fe County and the City of Santa Fe has a living wage, but I know that if we look at some of the salaries of our employees, a lot of our employees are still under \$30,000 within Santa Fe County government. If we look at some of the positions that some of our employees have as far as comparison to, let's look at Bernalillo County, and some of our employees are well underpaid from even what the entry level is for a similar position at a different county. Where are you guys, or have you conducted a past study? I believe there was a past study conducted.

MS. SALAZAR: Madam Chair, Commissioner Mayfield, we did a full-on study of all of our classifications in 2007. That's a huge undertaking where we don't really have the resources internally, and that would be because we have close to 400 different

classifications within our system. So the approach we've taken is for example, when we start union negotiations with fire we'll go ahead and do a salary study on fire to see within those positions to see where we stand. And we are currently doing one with Public Works employees, equipment workers, road maintenance crews, mechanics. We categorize our classifications into job families, so we try to finish one job family and go to the next. But we do participate in studies like that.

One of the other things that we participate in is when different counties, cities or even other states solicit information from us, when their report is concluded they share their report with us, so we're able to compare. In some areas we lag but our pay is pretty competitive as far as the state is concerned but we definitely do participate in those studies, it's just that we don't have the resources to do it Countywide with our existing resources.

COMMISSIONER MAYFIELD: So Madam Chair, Ms. Salazar, do we have a basement at least from 2006 or 2007 of every classification within our operations?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, we do have that report and there's a baseline. There were a couple of classifications during that report period that were recommended to increase the range and the pay, but I think it was maybe like six positions which affected probably 12 or 15 employees. So we were pretty competitive at that time as well.

COMMISSIONER MAYFIELD: And I see Director Sedillo in the back and I have kept up with the paper in general. But let's say our correctional officers, are they underpaid comparatively? Because I'd like to see our correctional officers – I'd like to get all our County employees paid a little more; I'm sure all of us would. But what about our CO's? Is there anything we can do to try to look at that as a baseline, compared to a state, or nationally for that matter?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, we're actually working with the union right now. They have a re-opener in their union contract and we're discussing those issues with them right now. In regards to detention officer pay, compared to, say, Albuquerque MDC, we are lower than they are. I think that their correctional facility is a bit different from ours, but our pay is a little bit lower than theirs. But we are currently working with the union on that issue.

COMMISSIONER MAYFIELD: Okay. And then Madam Chair, Bernadette, just one job classification specific, our code enforcement officers – and again, every position is very important in this agency, this government agency. But our code enforcement officers, these folks have to day in and day out have to go arguably to somebody's home and people may be appreciative to see them and some people may not appreciate seeing them. But sometimes they're in harm's way. These folks I believe have to get some sort of certification from our Sheriff's Office. Do they receive any type of salary differential because they have to receive Sheriff's certification to go on to somebody's property? Do they have any special credentials because they have to go on? Do they have any specialized training that they receive? And then if we have a classification that receives specialized training are we giving some salary incentive to those type of employees?

MS. SALAZAR: Madam Chair, Commissioner Mayfield, we don't currently have an incentive pay for code enforcement officers. When we look at the job description as a

whole certain weight is given to the duties of that position, for example, the danger. And then of course we have to work in conjunction with the unions where there can arguably be a few positions in that situation where it might be not completely enforcement but appraisers who go out on someone's property, that kind of thing. So those are the kinds of discussions we have through the course of negotiations but we don't currently have an incentive pay for that type of position right now.

COMMISSIONER MAYFIELD: Can you look into that please?

MS. SALAZAR: Yes.

COMMISSIONER MAYFIELD: Thank you. Thank you, Madam Chair. CHAIR STEFANICS: Thank you. Any other items for Ms. Salazar. Okay, thank you, Bernadette. Ms. Miller.

MS. MILLER: Pablo is available to give the jail report and then Adam on the construction.

CHAIR STEFANICS: Mr. Sedillo and then Mr. Leigland.

PABLO SEDILLO (Public Safety Director): Good afternoon, Madam Chair, Commissioners. The purpose of this memo is to provide you with information relative to the Santa Fe County Corrections Department for the month of September 2012. There was a list on this report in regards to our vacancy rate for the month of September. They indicated 41 percent and that was because they incorporated the amount of detention officers that we were getting incrementally throughout the year. So the total amount was 113 staff and that was incorrect. It was 84 staff based on that. And at that rate it's only 21 percent vacancy rate at this point. So there was a misprint on that.

We have 902 bookings in the month of September with 882 releases, with an average population of about 515. Our adult facility and with our Youth Development Program we had 16.9 average youth in the month of September. The adult detention facility continues to enhance their programs. We just instituted a sweat lodge for our Native Americans at the facility. It was all constructed by the Native Americans at the facility and it has been utilized already.

Our emergency department referrals are considerably down. We only had five inmates transported to the emergency room. The reason for that, we have a triage training by our doctor, our medical director to all our nurses and our PA's. I thought it was important that we did that instead of just taking them to the hospital, incurring those costs. We are now looking at it in triaging at the facility and it is helping our transports quite a bit in maintaining safety and security when we go take them out.

Operational policies and procedures are at about 98 percent right now. We still have a few policies and procedures we're looking at. Our NMAC meeting will be held – it was supposed to be held on October  $22^{nd}$  to kind of figure out when we're going to do our accreditation. That's been postponed. However, we did have a few members from the New Mexico Association of Counties come to our facility to do an informal audit and they were very impressed with what we're at right now.

So we're anticipating that accreditation process to be in January. I know, Madam Chair, that you wanted it to be around January. The Association of Counties meeting was going to be in Santa Fe in January. We may not hit that benchmark at that point. We have 18

contracts that have been fully executed with 22 pending signatures. I sent out a memo in October giving all the counties up to November 15 to solidify those contracts, whether they were going to sign them or not sign them. To this date I believe we're at 22 right now that have signed.

We have an estimated total of \$587,288.47 total billing for the adult facility, and \$69,736.55 at the Youth Development Program, and I believe Dr. Martinez communicated on the revenue to the adult facility.

Electronic monitoring – the average population in electronic monitoring has gone up. It's at 344 for the month of September. We have recouped some revenue in that month. We recouped about \$15,943 as opposed to the \$7,000 and \$8,000 that we have been recouping. Part of that is that I've spoken with the judges in regards to the people that are being placed on the devices and looking at the type of devices that they're going to be putting on. Not only that, but to ensure that we get revenue payment for those devices by the individuals who are being placed on that device.

Current financial obligations for offenders is divided as follows: 48.5 percent of the offenders have fees waived; 30.1 percent are unemployed; 5.6 percent are out of the county clients, leaving only about 15.8 percent as paying offenders. We are working that very diligently with the courts in regards to that. I'll stand for questions at this time.

CHAIR STEFANICS: Thank you. So, Mr. Sedillo, to clarify the vacancies, there are how many positions and how many vacant positions – not percentage wise?

MR. SEDILLO: 84, we are allocated 84 detention officers. Out of 84 detention officers we have 67 that are filled right now.

CHAIR STEFANICS: Okay. Thank you. Questions, comments from the Commission? Commissioner Mayfield has something in a minute. Okay, he's coming.

COMMISSIONER MAYFIELD: Mr. Sedillo, just a quick question. I read in the paper – and just help clarify for me – you all are going to help out with the release of the prisoners? I shouldn't say prisoners – release of individuals who are serving incarceration to our juvenile facilities at least for cold weather days. Can you explain that? I just read something in the paper a couple of weeks back.

MR. SEDILLO: Madam Chair, Commissioner Mayfield, thanks very much for bringing that up. Actually I just reviewed the policy today. I'm making several revisions on that. Basically what we're going to be doing, we're going to institute a policy and procedure in regards to the winter months from November all the way to April. Those are the main months that we're looking at. For those individuals who are coming into our facility who we identify as homeless individuals we are going to be looking at that and I think – I've had a meeting with some of those shelters in the city, Chief Rael and with the Sheriff's Department as well. We're all getting together as a collaborative effort to work on this issue for the winter months.

Initially, what's happening is when they come into our facility at intake, medical and in looking at intake we're going to look at them, ask them several questions in regards to their homelessness and identify them and the elderly as well. So what we're going to do to stay within our policy, we are going to take those individuals who we identify as homeless – and we want to clarify that because we don't want to have an open van for everybody saying,

hey, just pick me up from over there because you don't have to come all the way over here. What we're going to do is we're going to take them – they're still under the custody of Santa Fe County Corrections Department – we will take them to the juvenile facility. Not the actual facility but there's going to be a location we're going to be designating to release them there. St. Elizabeth is going to help us transport those individuals who are considered homeless, classified as homeless, to take them to the shelter.

Also, if there are individuals who cannot get a ride there will be a bus system right outside the facility that goes by the Airport Road, 4250 Airport Road. That way we're going to assist them, instead of walking down Highway 14. I think we have an obligation and due diligence in doing that. We have a meeting scheduled next week for those collaborative people with the City, with St. Elizabeth Shelter, myself and the Sheriff in regards to solidifying this policy.

COMMISSIONER MAYFIELD: Thank you. And I read that. I think that's great. Also, Mr. Sedillo, and I was just kind of having a sidebar here with Commissioner Anaya, and I really appreciate you are coordinating that effort. But also is there an NCRTD bus stop out by our jail facility? Do you know?

MR. SEDILLO: There's not a bus stop per se, but it's mostly – and I've enquired about that – it's mostly for the employees on that and I would think it would be a little bit difficult to do inducing people to get on with employees from the correctional facility in the same bus.

COMMISSIONER MAYFIELD: And Madam Chair, Mr. Sedillo, I'm not thinking just for the inmate release. I'm almost thinking for folks that need to go out to the facilities to visit somebody. That's just something else I'm thinking.

MR. SEDILLO: Madam Chair, Commissioner Mayfield, that's a great question and I can't answer that at this point.

COMMISSIONER MAYFIELD: That's just for another – Thank you, Madam Chair. Thank you, Mr. Sedillo for that.

CHAIR STEFANICS: Thank you. Anything else on Corrections? Thank you, Mr. Sedillo. Mr. Leigland.

ADAM LEIGLAND (Public Works Director): Madam Chair, Commissioner, since you don't have the report in front of you I just want to summarize our construction effort, especially in light of the fact that our three obligation bonds did pass last week. So overall I think things are going well. I just wanted to summarize. Right now, before we even consider the GRT projects that were approved but we didn't start because we wanted to see what became of the bonds and with the projects and the bonds we have ongoing 60 projects right now. That includes a mix of design and construction and land acquisition and what not, for about \$45 million. And when we overlay the two other programs that I just mentioned we'll have 165 projects for about \$105 million.

So we have our work cut out for us but I'm confident that we'll be able to execute those. So the report that I distributed last week did not have everything mentioned because of course we wanted to wait to see what the bonds looked like. Now that those passed the next report you see will have everything listed on there and then over the next couple months what

we'll be doing is coming to you with the schedule so you can know when to expect these projects to break ground.

And speaking of groundbreakings, we've had a lot of them lately. I think they've been going well and we'll be having a couple more soon before it gets too cold, and then when the warm weather returns we'll be having more groundbreakings and ribbon-cuttings. So with that I'll stand for questions on the general state of the program. If there are any questions about the projects on the bond list or questions about specific projects that are ongoing right now I'll be happy to take them.

CHAIR STEFANICS: Could we have an update on the courthouse? Then Commissioner Anaya.

MR. LEIGLAND: Madam Chair, for the courthouse I'll turn it over to Mark Hogan because he's following that closely and he's right here, and then other projects.

MR. HOGAN: Madam Chair, Commissioners, the courthouse is proceeding on schedule. The contractor assures us that substantial completion will be met on December 20<sup>th</sup>, so we still have the coordination of the furnishing packages that we're working on to see how that affects the actual move-in date which is scheduled for the first week in January.

CHAIR STEFANICS: Thank you very much. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I just want to publicly state to the voters that thank you for the votes and having the confidence in the projects that Santa Fe County proposed. I think it's an opportunity now that we have the vote in hand and the resources in hand to help boost the economy, frankly, to get money in the pipeline and projects produced. What I would challenge you, Mr. Leigland, and Ms. Miller to do in the coming weeks is to define a very aggressive plan to plan the projects that we have. I would even encourage you and Ms. Miller to bring back proposals that would accelerate design of these projects by soliciting additional support from necessary design and engineering people so that we take these resources as quickly as we possibly can, program them throughout the county and begin to move towards construction, which is ultimately what will help stimulate the economy.

Now I understand from our discussions and our meetings that we have provisions associated with when we sell the bonds, how much we sell, when we can activate the projects, but I want to challenge the two of you for us to get as far ahead of the curve as we possibly can and to challenge us as Commissioners to help try and find the resources to help you plan those as quickly as we possibly can.

But I thank the voters first and foremost, thank all of the staff and everybody that's worked on the projects. Now we just need to put the rubber on the ground. Roads in this issuance was of a highest priority and was overwhelmingly approved so look forward to all of the projects. So thank you for those efforts and in the coming meetings I look forward to aggressive plans to try and stimulate those projects and move them forward as soon as we possibly can.

CHAIR STEFANICS: Thank you. Are there any other questions or comments? Thank you very much. Ms. Miller.

MS. MILLER: Madam Chair, I just have one other thing. Teresa, would you like to introduce your new employee?

MS. MARTINEZ: We have Ashley Barela here with us today and she's been hired as the most recent addition to our payroll office, which is a staff of three. She's a payroll specialist with a staff of three that does the entire payroll for the County. So welcome to Ashley.

CHAIR STEFANICS: Welcome and thank you very much. Just keep those paychecks coming and you'll keep all the employees happy.

MS. MILLER: Madam Chair, I don't have anything else. What I did, when we were doing the agenda we brought the Matters from the Commission as far as your issues and comments in front of the executive session so that you could bring them up while the staff is here.

CHAIR STEFANICS: Thank you very much.

#### XIV. MATTERS FROM THE COMMISSION

#### A. <u>Commissioner Issues and Comments</u> (Non-Action Items)

CHAIR STEFANICS: Okay. Who's ready to start? COMMISSIONER ANAYA: Madam Chair. CHAIR STEFANICS: Yes, Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I have one item today and it's the

most important item to me today here at this meeting. We, the citizens of the United States of America owe our collective American existence and our constitutional freedoms to every soldier, current, past and present. Thank you to all of our soldiers and veterans in the army, navy, air force, marines, coast guard, national guard, reserves – all of you. In every state and around the world, in wartime and in peacetime, thank you soldiers and veterans, God bless you and keep you strong. A special thanks, tribute and honor to those soldiers who paid the ultimate sacrifice for our sake. A moment of silence to honor all veterans who have passed on.

Thank you, Madam Chair.

CHAIR STEFANICS: Thank you, Commissioner, for bringing that forward. I think all of us share your sentiments and support our armed services and have relatives who've served or who have passed on who have served. Commissioner Vigil

COMMISSIONER VIGIL: Madam Chair, I just have a couple of simple items. I really did want to thank Mark, Adam and Open Space and Trails for all the groundbreaking ceremonies they have created. It's interesting, most of those have been in my district and I really appreciate that that was done in a timely fashion and hope that continued efforts are there, particularly for the Santa Fe River restoration project because that is huge and it's one that creates a large, large benefit.

With that, I wanted to thank the voters for bringing in the general obligation bond to Santa Fe County. I want to thank the outreach that occurred. I want to thank the Fire Department for their outreach on the fire excise tax. I think the community is very well educated with regard to these issues and that's in fact the reason why these referendums passed. So to the voters of Santa Fe County, thank you for entrusting Santa Fe County again





with these general obligation bonds and with the fire excise tax. They all create a larger benefit. And I think that's it, Madam Chair. Thank you.

CHAIR STEFANICS: Thank you. Anything, Commissioner Holian?

COMMISSIONER HOLIAN: Yes. Thank you, Madam Chair. I would also like to thank my colleagues here as well as County staff for getting the information out about the issues that appeared on the ballot in the last election. I was very pleased to see that the GO bonds passed handily as well as the fire safety excise tax, and I was in general very pleased with the other results of the election as well.

I also wanted to let you know that I'm going to a conference starting tomorrow and for the rest of the week, and this is a conference that is being put together by the Quivira Coalition, which is a local non-profit that works on sustainable ranching and farming, actually all over the world but they happen to be based here. I think that the theme of this conference is going to be very interesting and relevant. The title of the conference is How to Feed Nine Billion People from the Ground Up: Soil, Seeds, Water, Plants, Livestock, Forests, Organics and People.

It's expected that by 2050 we're going to have 9 billion people on this planet and I think that it's going to be a challenge as to how we're going to take care of all of them, so I think it's really important that we start thinking about that now, including in our own county. So I'm very much looking forward to this conference and learning a lot and I will make a short report to you on it at our next meeting. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Mayfield.

COMMISSIONER MAYFIELD: Madam Chair, thank you. Just to echo Commissioner Anaya's sentiments. I was fortunate enough to attend the joint effort with the State of New Mexico and the City of Santa Fe in celebration of Veterans Day here at the Bataan Building this past weekend, and I'm just going to try to work with our Manager's Office and some more collaboration with the City to see what the County can do in this undertaking in the next few years.

Also, I just want to extend appreciation to Sheriff Garcia and Undersheriff Ron Madrid and all the fine deputies out with our Sheriff's Office and all of the County Sheriff's Office. They've been working out in the northern part of Santa Fe County. We've had a great police presence out there and they've just been working very hard to resolve crimes out in that area. The detectives have been working very hard and they've resolved some crimes out in that area. So I just want to thank them very much for having a very strong presence out there and just ask that they stay safe out in that area. Thank you, Sheriff's Department.

CHAIR STEFANICS: Thank you. I would like to wish all of the members of the Santa Fe community and all of our employees a Happy Thanksgiving. We will not be having another meeting prior to the Thanksgiving holiday and when we come back we could offer you that as well but it will be over with. So we know that it's a time for family to be together. It's a time to overeat. I hope that if you are in the overeating mode you will do some exercise and some physical activity. I know that our Health and Human Services Department has been focusing on wellness and our employee HR Department as well, so I hope that everybody takes that to heart. But please have a safe Thanksgiving holiday. Thank you. Is there anything else from the Commission? A.

# XV. MATTERS FROM THE COUNTY ATTORNEY

### Executive Session

## 2. Limited Personnel Issues

3. Discussion of the Purchase, Acquisition or Disposal of Real Property

CHAIR STEFANICS: Mr. Ross, do we need an executive session and if so, for what purposes?

MR. ROSS: Yes, Madam Chair, we need a closed executive session to discuss limited personnel issues and acquisition or disposal of real property.

CHAIR STEFANICS: Thank you. Is there a motion?

COMMISSIONER VIGIL: Madam Chair.

CHAIR STEFANICS: Yes.

COMMISSIONER VIGIL: I move that we go into executive session for the purposes stated by our County Attorney.

CHAIR STEFANICS: Is there a second?

COMMISSIONER HOLIAN: Second.

CHAIR STEFANICS: There's a motion and a second.

The motion to go into executive session pursuant to NMSA Section 10-15-1-H (2 and 8) to discuss the matters delineated above passed upon unanimous roll call vote with Commissioners Anaya, Holian, Mayfield, Vigil and Stefanics all voting in the affirmative.

CHAIR STEFANICS: Thank you. And Mr. Ross, how long do you think we'll

need?

MR. ROSS: Madam Chair, I don't think we'll need more than an hour.

CHAIR STEFANICS: Okay. We will be back here between - it is now 4:00 and we will be back here between 5:00 and 5:15. Thank you very much. This is a temporary recess for TV watchers and the radio.

[The Commission recessed from 3:55 to 5:50.]

CHAIR STEFANICS: We're coming out of executive session. We'll need a motion to come out please.

COMMISSIONER ANAYA: Madam Chair, I move we come out of executive session where all five Commissioners were present, Steve Ross, Rachel Brown, Katherine Miller, and that we only discussed pending and threatened litigation and limited personnel matters. [See below.]

CHAIR STEFANICS: Thank you. Is there a second?

COMMISSIONER MAYFIELD: Madam Chair, I will second that motion. CHAIR STEFANICS: Thank you. We have a motion and second to come out



of executive session.

The motion passed by unanimous [5-0] voice vote. [Commissioner Holian was not present for this action.]

#### XVI. MATTERS OF PUBLIC CONCERN - Non-Action Items

CHAIR STEFANICS: We are now on that item, XVI, Matters of Public Concern. Is there anybody in the audience that is here to speak to us on a non-action item that's coming forward? If so we'd like to hear you first. Okay. Thank you.

#### XVII. PUBLIC HEARINGS

#### A. Growth Management Department

1. <u>BCC CASE # MIS 12-5370 Cordelia O. Roybal Enterprises, LLC Liquor License</u>. Cordelia O. Roybal Enterprises, LLC, dba SOL of Santa Fe, Applicant, Maurice Bonal, Agent, Request Approval of a Transfer of Ownership of Liquor License No. 2792. The Subject Property is Located at 37 Fire Place, Via Highway 14, within Section 25, Township 16 North, Range 8 East (Commission District 5)

JOSE LARRAÑAGA (Case Manager): Thank you, Madam Chair. On September 13, 2011, the Board of County Commissioners approved an Inter-Local Dispenser Liquor License, License No. 2792, to be transferred to 37 Fire Place and to operate as a dba known as SOL of Santa Fe. Liquor License No. 2792 is owned by Cordelia O. Roybal Enterprises, LLC.

The Applicant is seeking a transfer of ownership of Liquor License # 2792. Due to the death of the main stockholder and the transfer of stock within the corporation a new application with Alcohol and Gaming is required.

The State Alcohol and Gaming Division granted preliminary approval of this request in accordance with Section 60-6B-4 NMSA of the Liquor Control Act. Preliminary approval, by the Alcohol and Gaming Division, states that this site is one mile from the nearest Church, three miles from the nearest school and sixty-five miles from the nearest Military Installation. Legal notice of this request has been published in the newspaper. The Board of County Commissioners is required to conduct a public hearing on the request to grant a transfer of ownership of Liquor License No. 2792.

Growth Management staff has reviewed this request for compliance with pertinent Code requirements and finds the following facts to support this submittal: the Board of County Commissioners approved an Inter-Local Dispenser Liquor License to be transferred to this location; the property is in compliance with Article II, Section 4 of the Land Development Code; the Applicant's request complies with the Santa Fe County Land Development Code; the Applicant has met the State of New Mexico requirements for noticing, distance from Schools, Churches and Military Installations.

Staff recommendation is approval of a transfer of ownership of Liquor License No. 2792 which is currently located at 37 Fire Place. Madam Chair, I stand for any questions.

CHAIR STEFANICS: Thank you. And before we go to any questions for you from the Commission, I'd like to clarify for the record that we also discussed real property acquisition in our executive committee, so that the minutes would reflect that as well. Thank you.

COMMISSIONER MAYFIELD: Thank you, Madam Chair.

CHAIR STEFANICS: I do have a question. I realize that this is replacing something, but is this the Santa Fe Brewery or is this the restaurant?

MR. LARRAÑAGA: Madam Chair, this is the restaurant.

CHAIR STEFANICS: Okay. Thank you. Are there other questions or

comments from Commissioners for staff? Okay, is the applicant here? Do you have anything you'd like to say?

[From the audience the applicant declined to add anything.]

CHAIR STEFANICS: Okay. Thank you for being here tonight. Okay, this is a public hearing. Is there anybody in the audience that would like to speak for or against this request? Anybody at all? Okay, seeing no one, the public hearing is now closed. We are on discussion or action on this case.

COMMISSIONER MAYFIELD: Move for approval, Madam Chair.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: There is a motion and a second to approve BCC Case MIS #12-5370, Cordelia O. Roybal enterprises, LLC, liquor license.

The motion passed by unanimous [4-0] voice vote. [Commissioner Holian was not present for this action.]

XVII. A. 2.

CDRC CASE # V 12-5200 Robert and Bernadette Anaya Variance. Robert and Bernadette Anaya, Applicant's, Talia Kosh (the Bennett Firm), Agent, Request a Variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.5 (Village of Agua Fria Zoning District Use Table), to Allow a Towing Business as a Special Use Under the Zoning Use Table on 0.70 Acres. The Property is Located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East, (Commission District 2 [Exhibit 3: Supplemental Material; Exhibit 4: Anaya Exhibits]

MR. LARRAÑAGA: On June 21, 2012, the County Development Review Committee met and acted on this case. The decision of the CDRC was to recommend denial of the Applicants' request for a variance.

On August 14, 2012, the Board of County Commissioners met and acted on this case. The decision of the BCC was to table the request for a variance pending mediation between the Applicant and persons opposing the application. Rosemary Romero was contracted by Santa Fe County to be the mediator as directed by the BCC. Ms. Romero's recommendation states: "Mediation is a process that often helps bring parties together to resolve issues in a neutral setting with 3<sup>rd</sup> party support. In this particular case, several factors indicated that this case would not be appropriate for mediation. In particular, the inability to talk directly with the parties requesting the variance proved challenging to the process; getting contact information for family members and getting calls returned from family members who did not want to be involved was difficult and the issues noted above indicated that full participation from all affected parties in a mediated process would not be possible. The lack of participation from opponents to the variance is not an indicator of interest, but of 'just not wanting to be involved' in either a mediation process or the county land use process and the potential for making things worse rather than better." The Mediator Report to the BCC is attached as Exhibit 11.

Staff has included additional information that may help to clarify some of the confusion at the August 14<sup>th</sup> hearing with respect to the testimony given by the Applicants and their Agent and the documents which were submitted by the Applicants. Attached as Exhibit 12, in your packet material are plats of the property that illustrate the change in the lot lines relative to the placement of the tow trucks on the site; dated aerials of the site which illustrate the expansion of the business, the addition of larger tow trucks and where the tow trucks have been relocated on the site; photos of the Anaya property and a response to the list of businesses provided by the Applicant. The Applicant also submitted a letter from William Mee which was presented to the BCC in support of the Application by the Agua Fria Village Association. Enclosed as Exhibit 14 is a letter of clarification from Mr. Mee. In this letter, dated August 31, 2012, Mr. Mee states: "The letter that was submitted from myself on behalf of the Agua Fria Village Association in regards to CDRC Case #V 12-5200, the Robert and Bernadette Anaya Variance, may have been misinterpreted as support for the Anaya variance or led to the conclusion that the Association had taken formal action on the case." Also, attached as Exhibit 13 is the criteria set forth in the Land Development Code which describes non-conforming use as a use of a structure or property.

Madam Chair, would you like anybody to go through those exhibits right now or do you want to save it for questions?

CHAIR STEFANICS: Let's do the exhibits right now.

MR. LARRAÑAGA: Okay. So if you could turn to Exhibit 12, where it has the plats. Exhibit 9-A as the original plat that shows Tract 4, which was .332 acres, which is the original Anaya property.

CHAIR STEFANICS: So, Mr. Larrañaga, are you entering new information into this case?

MR. LARRAÑAGA: Madam Chair, no. Most of these exhibits were brought out of the exhibits the applicant submitted. I was just clarifying how the lot started, how it expanded when there was a lot-line adjustment, how it created the lot as it is right now, and where the tow trucks started through aerials, actually that the applicant submitted, through the years, how they expanded in the tow trucks and where they've been placed on the property, on their property and on adjoining properties, and then there's just one aerial stating – really emphasizing in color what the actual lot, their lot, what it looks like and where the tow trucks were stated. That would be 2-D. Most of these aerials were already presented to you either by them or by staff in the prior hearing. We're just emphasizing to try to clarify the lot configuration and where the tow trucks were parked initially and where they are now, what brought this to our attention with the complaint.

CHAIR STEFANICS: Okay, so let's leave it them to questions to identify items that you might have to direct us to in the appendices or the attachments. Okay?

MR. LARRAÑAGA: Yes.

CHAIR STEFANICS: So are you ready for questions?

MR. LARRAÑAGA: Madam Chair, the rest of the report is pretty much as the original report. I'm ready for questions.

CHAIR STEFANICS: Okay. Thank you very much. Okay, to recap, you're still recommending denial. The mediation really could not occur, from your notes, due to the lack of presence of some of the parties.

MR. LARRAÑAGA: Madam Chair, that's correct. The letter from the mediator is in your packet materials.

CHAIR STEFANICS: Okay. Questions, comments from the Commission for staff? Commissioner Mayfield.

COMMISSIONER MAYFIELD: Thank you. And Madam Chair, so help me again with your statement as far as the mediation. So there was active party involvement in the mediation?

MR. LARRAÑAGA: Madam Chair, Commissioner Mayfield, actually I believe Rosemary Romero, the one that we got as a mediator is here in the audience. Maybe she could answer that question.

COMMISSIONER MAYFIELD: Okay. [inaudible], Madam Chair.

CHAIR STEFANICS: Okay, so before we go to Ms. Romero, are there other questions for staff, and then I'm going to ask our attorney about process. Well, let me just ask the process question first. Mr. Ross, we held a full public hearing on this earlier.

MR. ROSS: Correct.

CHAIR STEFANICS: And Commissioner Vigil, I believe it was, requested mediation. So we are not bound to a full public hearing at this time, just to questions and clarification?

MR. ROSS: Madam Chair, that's correct.

CHAIR STEFANICS: Okay. Thank you. So, since that is the case, I will put Commissioner Holian and Commissioner Vigil on the list but Ms. Romero will you come up to answer Commissioner Mayfield's questions? And thank you for being with us this evening. Did you catch his questions?



> ROSEMARY ROMERO: Good evening, Madam Chair and Commissioners. [Duly sworn, Rosemary Romero testified as follows:]

MS. ROMERO: For the record, my name is Rosemary Romero, Rosemary Romero Consulting. I am a mediator/facilitator for the City of Santa Fe and internationally as well and have 22 years experience doing mediation. So, Commissioner, to answer your question, I did watch the BCC meeting where this was sent to mediation, and the process was a voluntary process so I'm hoping that I'm going to answer the question that you asked, which was it proved rather difficult to get full participation in the process because it was voluntary. I don't think people really got it that it was – and it was nowhere stated that they would participate in mediation. I talked to every participant, every potential participant. Some said this sounds like a great idea; move forward with that, with the assumption we were going to move toward mediation, started to figure out what some of the issues were that would be addressed, but as we got closer to mediation, to the date that we had put forward, people really started to back away and even in the assessment part of the mediation, just trying to hear from people, trying to understand what the issues were, people just – they kept pushing back. This is going to cause more problems for our family than it should. There's a legal process that should be followed.

I noted I think all of them in here but to give you more of the detail people just didn't want to participate in mediation that wasn't mandatory; it was voluntary, and when push came to shove, they really didn't want to participate. I probably could have gotten three people, but in effect that wouldn't have solved the issues that were at hand. I needed full participation just given where people lived and the impact on the surrounding neighbors. I think it would have been best to have full participation and that wasn't guaranteed at all. It was not even possible.

COMMISSIONER MAYFIELD: Madam Chair, Ms. Romero, thank you for that. But how about the mediation between the two main parties, the Anayas and I believe, and I'll look at it, but the Romeros?

MS. ROMERO: Madam Chair, Commissioner Mayfield, I believe initially that the parties as noted were – the disputants were the Romeros, but in working with staff to figure out who should be involved in the mediation it was clear that there were other people beyond the Romeros that were relatives within the areas where the site was or is that should have been part of the mediation because it really was affecting everybody, and many of those were family members. So in reviewing the BCC meeting minutes of that evening where Commissioner Vigil asked for mediation, it really was broader than just the two disputants. The disputants asked Land Use staff to make it be broader than that because of the impacts to those in that area and then the Romeros who are not in that compound but were affected and will be affected by a decision made by the BCC.

So it went beyond the family members to those that were affected. I did talk to the people in the surrounding area also to see if they could be part of it, because whatever decision does get made it does affect people who are beyond that compound.

COMMISSIONER MAYFIELD: So Madam Chair, Ms. Romero, did you meet either with the Anayas or the Romeros?

MS. ROMERO: I met with the Romeros, who found the time to meet with me.

Everybody else would either – did not meet or – I did talk to them. For the Anayas, I was unable to meet with them directly. I was given direction to speak to their attorney only. So for them, I understood what the issues were, having read the packet that was given to me by staff. What I was looking for was issues that could be mediated with those that were going to be affected by the decision.

COMMISSIONER MAYFIELD: Okay. Thank you. Thank you, Madam Chair. CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: And thank you, Ms. Romero for your efforts in this. I guess my question may go to Steve. Because I know we're looking at mediation as an alternative under Sustainable Growth, because we request mediation be done by the parties can we go to a mandatory request? It doesn't seem to me that we have a rule or regulation that allows us to do that, and I think if we define a process that includes it that would give us permission at minimum to do that.

MR. ROSS: Madam Chair, Commissioner Vigil, we weren't planning on requiring mediation except in those cases that were selected for mediation, in which case it would be required. So it wouldn't be required of all cases. You're probably not even asking that. You're probably asking whether it can be made mandatory. That's how they do it in Albuquerque and we were planning on proposing that model.

COMMISSIONER VIGIL: Okay. But we don't have currently anything that directs them to do it.

MR. ROSS: Not in the current code, there's nothing on this topic at all.

COMMISSIONER VIGIL: Okay. I just think it's unfortunate that the parties did not choose to mediate. Mediation is an alternative dispute resolution particularly created for neighbors and neighbors are the ones that have to live with the consequences which really the best alternative for both the neighbors to understand each other's position and to try to come to a compromise for those positions. That is what my motion hoped for. I don't think you can mediate with attorneys. If you were put in a position where you couldn't mediate unless you spoke to attorneys, that's not a mediation. Attorneys are trained advocates in an adversarial setting. They are not representing their clients in mediation unless their clients give them a directive to compromise. But apparently that wasn't given at all. So I can see the difficulty in trying to mediate this case. I think that's very unfortunate because that really puts this Commission in a position of having to make a choice that's either up or down, that people are either going to happy or unhappy with, whereas mediation would have brought a better outcome. I'm very disappointed. Thank you.

CHAIR STEFANICS: Thank you. Commissioner Holian.

COMMISSIONER HOLIAN: Thank you, Madam Chair. I have a question from you, Jose, and I think this is on Exhibit 12 which I think was in our packet, which I think was new material as compared with the packet that we had last time. Is that correct? Exhibit 12, with the aerial views?

MR. LARRAÑAGA: Actually, Madam Chair, Commissioner Holian, it's revised material. It's the same material that was in your packet, actually, like I mentioned. It's material that was brought by the applicant originally. I just used it to show the history and so on.

COMMISSIONER HOLIAN: So I just wanted to clarify something. Because in 2008 it looks like there were no tow trucks on the property in question, and then in 2011 there were tow trucks on the property. So when did they start parking tow trucks on that property? I'm looking at aerial 2-G in Exhibit 2 in our packet, not this big fat one but the one that we had at home.

MR. LARRAÑAGA: Yes, Madam Chair, Commissioner Holian. The clearest aerial is Exhibit 2-C under that same Exhibit 12. You'll see some tow trucks and you'll see Ben Lane on Tract 1, that's labeled Tract 1, so that's the clearest one that has tow trucks on it. And you are correct in stating that out on the outlined property in 2-E the tow trucks weren't on their property; they were on somebody else's property, right across from their home. I think this was created because part of the questions brought up was since they've had tow trucks there for years, what brought them to our attention was because it went to the back of their property, where they were originally parking the tow trucks. Now there's mobile homes there. The people that own the property, relatives of the Anayas have put mobile homes in there and so on so they moved the tow trucks back on their property on the back side and the Romeros live to the north of them on that wall that separates where they live and that's what brought in the complaint.

COMMISSIONER HOLIAN: So do you know what year they started parking the tow trucks?

MR. LARRAÑAGA: Madam Chair, I believe it was in the nineties, early nineties, according to –

COMMISSIONER HOLIAN: Well, it looks here like in 2008 there were no tow trucks on the lot in question.

MR. LARRAÑAGA: Yes, that's correct. On the lot in question, somewhere between 2008 and 2011 they started. I don't know exactly what year.

COMMISSIONER HOLIAN: And then I gather that the route that the tow trucks take in going to where they park is along where this yellow line is. Is that Ben Lane? MR. LARRAÑAGA: That's exhibit –

COMMISSIONER HOLIAN: I'm looking at Exhibit 2-G, but it doesn't have

Ben Lane marked on here.

MR. LARRAÑAGA: Madam Chair, on 2-G, that's correct. That's Ben Lane. COMMISSIONER HOLIAN: But there's a yellow line that goes from Agua

Fria to where the – and that's where they go in and out of that parking lot, correct? MR. LARRAÑAGA: Correct.

COMMISSIONER HOLIAN: And is that an easement for the trucks? I mean, is that an official easement for vehicles to go up and down that lane?

MR. LARRAÑAGA: Madam Chair, Commissioner Holian, that's an easement for the property owners to go. It's a private easement for all the property owners to go through to get to their properties, Ben Lane is. This is a whole family tract which brothers and sisters live on and that was an easement that was created for everybody to use to get to their properties.

COMMISSIONER HOLIAN: Okay. Thank you, Jose. And then I have a question for Captain Patty. Captain, could you repeat what your findings were with regard to

access for the fire department in the case of an emergency to this place where the two trucks are parked?

BUSTER PATTY (Fire Department): Madam Chair, Commissioner Holian, Ben Lane is wide enough, the whole general road is wide enough, which meets the minimum fire code of 20-foot wide. The entrance off of Agua Fria doesn't have any radiuses. It has a telephone pole and a wall that would have to be increased a little bit. We did meet with the applicants and their attorneys last week and explained that. And at the end of the road on that piece of property they would have to create a hammerhead. It doesn't have to be a cul-de-sac but there has to be a place to put a hammerhead to turn around for a commercial operation.

COMMISSIONER HOLIAN: So that would be possible to actually make those modifications?

CAPTAIN PATTY: It is possible if they choose to.

COMMISSIONER HOLIAN: Okay. Thank you, Captain.

CHAIR STEFANICS: Thank you. Any other questions for staff.

COMMISSIONER VIGIL: I -

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: Mr. Larrañaga, and I was trying to dig through all of these. I didn't have these notebooks priorly. There has been increased use of this property. This is the first time it's come to our attention. Is that correct?

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, that's correct.

COMMISSIONER VIGIL: Do you have any history of that increase of use and what it was for?

MR. LARRAÑAGA: Madam Chair, no. This came in as a complaint. If you go down Agua Fria you can't really see what's back there so I guess in our defense as far as code enforcement and watching over Agua Fria unless it came in as a complaint we wouldn't know.

COMMISSIONER VIGIL: So it's fair to say the increased use just never got complained about, prior to this case.

MR. LARRAÑAGA: Madam Chair, that's correct, until they moved the tow trucks back to the back of the property. Yes.

COMMISSIONER VIGIL: Okay. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Other Commissioners. Commissioner

Anaya.

COMMISSIONER ANAYA: Madam Chair, for the record, how many years has this business been in operation, Mr. Larrañaga?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, I have no idea. The area show it since the early nineties that there were tow trucks in there. The business has never been registered with Santa Fe County. That's what they got cited for was running a business without a business license.

COMMISSIONER ANAYA: If the Anayas could come forward and just answer that question for me. How many years have you been operating in that area.

[Duly sworn, Bernadette J. Anaya testified as follows:]

BERNADETTE ANAYA: Bernadette J. Anaya. We have been in business

since February 14, 1989.

COMMISSIONER ANAYA: Okay. Thank you very much. Madam Chair, either yourself or someone else in the family. Are you willing to – it doesn't matter. Are you willing to adapt the property access on the fire hammerhead that Commissioner Holian just brought up the Fire Marshal for?

MS. ANAYA: Yes.

TALIA KOSH: I'm Talia Kosh, attorney for the Anayas.

COMMISSIONER ANAYA: Madam Chair, I think if the answer is yes – the s ves?

answer is yes?

MS. KOSH: Yes.

CHAIR STEFANICS: Okay. That's all he wanted.

MS. KOSH: And I have answers to other questions and I'd also like to

respond –

CHAIR STEFANICS: Okay, if you're asked we'll call you up so you might as well stay in the front row. Commissioner Anaya, you have the floor.

COMMISSIONER ANAYA: Madam Chair, I would move for approval with conditions represented by Commissioner Holian to make sure that they're adequately reflected on the record, with other staff conditions presented.

COMMISSIONER MAYFIELD: Second, Madam Chair.

COMMISSIONER VIGIL: Madam Chair, I'd like to comment on that.

CHAIR STEFANICS: Yes. There's a motion and a second to approve with conditions from Commissioner Holian and staff. Commissioner Vigil.

COMMISSIONER VIGIL: It scares me but the area I represent is being proposed by a different motion than I think the way it should be because as the representative of Agua Fria Village the greatest message that I have been received is that this area, this village, cannot preserve its historical back, its historical character because there are many violators of the current code, and many of these violators don't even come to the County, they just act in their own way.

Many of the business, and there are quite a few businesses in Agua Fria that actually occur and got grandfathered in before we had the code. Now that we have the code and we're able to gain some control over the development and the growth of this community the balance that needs to occur at this point in time is the preservation of the historical village. And I don't think that that preservation will occur if we allow far more activity in the village that was not intended to be there. It's currently zoned already; it's got a specific zoning, and I do agree that we need to help our communities and the members of our community to promote economic development but it has to be done in an appropriate way, and that is you come before the cc. You come and you get your business license. You come and you look at any kind of zoning change that might need to occur, and that's the way it's done. It isn't done in violation of the code, and it isn't done in a way that all of the neighbors and the village is coming to their representative and saying, this is exactly why we went through a planning process. This is exactly why we wanted control of our future.

So it really concerns me that, number one, the mediation didn't occur. And I have to ask Mr. Anaya why he didn't mediate.

#### [Duly sworn, Robert M. Anaya testified as follows:]

ROBERT M. ANAYA: Robert M. Anaya. We did and we were all for it. The problem was the mediator and the Romeros didn't want to meet with us because we had an attorney.

COMMISSIONER VIGIL: Okay. You would mediate with your attorney present, yet the mediator's requirements are that there is no attorney present for mediation.

MR. ANAYA: We weren't told that. We were willing and ready to meet. It never happened. It never happened.

COMMISSIONER VIGIL: That's not what was represented tonight.

MS. KOSH: May I read an email to you?

MR. ANAYA: I need you to hear the email because it was given to her telling us what was going on.

MS. KOSH: It just shows our willingness. If I just may read this because –

COMMISSIONER VIGIL: I will have to have the mediator respond to that. So I didn't want this to be a he said-she said, Madam Chair. I think we have information here. The mediation and the willingness to mediate, I just wanted Mr. Anaya's response, Madam Chair. That's all I need.

CHAIR STEFANICS: Okay. Thank you. I have a question for Mr. Larrañaga please. Mr. Larrañaga, does the business have a second property? Where it stores vehicles?

MR. LARRAÑAGA: Madam Chair, yes. The business has one on Industrial Road, within the city limits.

CHAIR STEFANICS: Okay. Thank you very much. That's all I need to hear. There is a motion – Yes, Mr. Larrañaga.

MR. LARRAÑAGA: If I may, Madam Chair, just to clarify, the variance is to allow them to be recognized as a special use under the Agua Fria ordinance. If they get approved of this variance they still will have to come in for a master plan, preliminary and final development plan under that ordinance and under the County code. So at master plan they would have to meet the requirements of master planning, zoning – traffic impact analysis, water budget, the things that Mr. Patty talking about, at master plan.

CHAIR STEFANICS: So Mr. Larrañaga, based upon what you're telling us and what is there now, could the existing layout of the business on the property possibly pass code requirements?

MR. LARRAÑAGA: Madam Chair, without reviewing all of it, it possibly can. The access, as Mr. Patty stated, that's somebody else's property. I don't know if they'll meet the requirements of the radiuses. Again, in my report I state that the staff has conceptually reviewed the site for zoning requirements for a special use and it was determined that other variances may be required. So we won't know that until the submit for the master plan process, and see if they meet all the requirements.

CHAIR STEFANICS: Thank you. Mr. Ross, I have a question for you. If this preliminary request was granted, is the County setting an expectation that following applications will be approved?

MR. ROSS: Madam Chair, you mean following applications by this applicant? CHAIR STEFANICS: Yes.

MR. ROSS: It's setting the stage for – well, it's eliminating a - it's allowing them to start the process, the way I understand it. So they can start the process. It doesn't set any necessary precedent for future steps, no. But they can't even start the process without a variance under the ordinance.

CHAIR STEFANICS: Okay. Anybody else that would like to speak or ask questions before we – Yes, Commissioner Vigil.

COMMISSIONER VIGIL: So actually, this is just the beginning of a variance. They probably would need to come to us for further variances, correct?

MR. ROSS: Madam Chair, Commissioner Vigil, I don't believe they need further variances, but they need a variance in order to be able to start through the rest of the steps.

COMMISSIONER VIGIL: So if they increase their use and their density and they actually get what they're requesting tonight, and they want to change something, that is going to require a variance?

MR. ROSS: Madam Chair, Commissioner Vigil, perhaps Penny or Vicki can jump in.

COMMISSIONER VIGIL: I think probably the answer was stated by Mr. Larrañaga, but it's going to be difficult to assess that without knowing what the requests are. But the fact is that a variance may set a precedent for further variances if a variance has been granted for a particular property to move forward in this direction. I'm making a statement, Penny, I'm not asking for your comments.

CHAIR STEFANICS: So are there any other questions or comments? So Commissioner Anaya, would you restate your motion?

COMMISSIONER ANAYA: Madam Chair, I made a motion for approval with the condition relative to the fire noted by Commissioner Holian and the staff conditions contained on the case, if there are any. Are there any?

CHAIR STEFANICS: There were no conditions provided.

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, there were no conditions, just a recommendation for denial.

CHAIR STEFANICS: Okay. So we have a motion and a second. I will make a comment. I believe that if we pass this we will have a full vetting of the next step in a public venue and it won't be positive. And I'm just saying what I believe, because I believe that the community has several concerns. I believe that there would have to be a lot of reconfiguration of the property. There would have to be easement and access from a neighbor and several other things. So if I support this, I just want to go on record as saying that does not mean I would support the next plan that comes forward because it seems like there are many problems with it right now. So that's why I was asking Mr. Ross about setting any precedents for further action. Are there any other comments?

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Yes. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I want to make sure I understand what you just said and Steve, maybe you can clarify, or Penny, whichever one of you. This action allows the business to continue functioning and they've functioned for 23 years or

gives them an opportunity to get a license to function as they've function. I do not want – let me be explicit. I do not want this Commission to set a precedent to say after 23 years of business functioning that now we're going to close it down. There's still additional process if this is approved that the chair is referring to that needs to be vetted. Is that what you just stated, for clarity's sake?

CHAIR STEFANICS: I am, Commissioner, and it is possible that if approval is given today for this variance that when they come back with – what's next? Master plan? MR. LARRAÑAGA: Master plan.

CHAIR STEFANICS: Master plan, that they might not get approval for the master plan because it might not meet our code.

COMMISSIONER ANAYA: This continues to afford them the opportunity to go through that process. If they do not get this approval today then they have to cease and desist operations?

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, that's correct.

COMMISSIONER ANAYA: Okay. Thank you, Madam Chair. There's still an additional process coming forward that will be vetted that this Commission has to hear and then make a decision on.

MR. LARRAÑAGA: Madam Chair, Commissioner Anaya, yes, the master plan process, preliminary and final development plan, meeting all code requirements.

COMMISSIONER ANAYA: Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Commissioner Vigil.

COMMISSIONER VIGIL: You're saying that if we vote against it there's a cease and desist order on them?

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, no. We have a notice of violation for operating a business without a business license. So if they get denied to be recognized as a special use under the Agua Fria ordinance to go forward with the master plan, if they can't get a business license, the would have to – if they keep on going we would have to file them into court and the court would decide to move them out. But yes, they would have to stop business because they're not doing it per code requirements in their business license.

COMMISSIONER VIGIL: So all that's required at this point in time is for them to continue operating their business with a business license and then come back with a master plan. Is that correct?

MR. LARRAÑAGA: Madam Chair, Commissioner Vigil, not entirely. We can't issue a business license because they need to qualify through this variance as a special use to qualify to go forward under the Agua Fria Ordinance for a master plan, to zone the property for that type of use.

COMMISSIONER VIGIL: Is that correct? Those consequences are dire. Mr. Ross, he's actually saying if we choose not to allow this variance that in fact the applicant can't continue their operation of their business unless they get a business license?

MR. ROSS: Madam Chair, Commissioner Vigil, they need to get a business license, sure, but what this is concerning land use, use of the property. And under the ordinance my understanding is a very truncated, very strange process which will not be this

way under the new code, but in order to even get the zoning that they need they need to first get the variance, which is what they're asking for right now. When you hit the master plan step you're going to be assessing whether the proposed use of the property is consistent with the plan and consistent with adjoining uses, whether it should be rezoned for this use. With a use variance it's a very high standard to meet. But if they don't get this step accomplished, irrespective of the business license they don't have the proper zoning to do what they're doing on the property and they would have to stop doing it. That's how it works. The new code will be much simpler, I assure you, on the issues like this.

COMMISSIONER VIGIL: Okay. Thank you.

CHAIR STEFANICS: Thank you. Any further questions or comments. Okay, we have a motion and a second on approval. Let's read the right language here. Is to request a variance of the ordinance to allow a towing business as a special use under the zoning use table on .70 acres. Now, Mr. Ross, this seems like we are approving a variance to continue on.

MR. ROSS: Madam Chair, it's a very strange part of the existing Land Development Code and that's why there are all these questions I know are coming because it seems like why would you have a variance and then not deal with the zoning at the same time. But that's the way it works. It should not establish a precedent but it would check off a box that they would need to even file for a zone change on the property.

CHAIR STEFANICS: So I guess I do still have another question. Mr. Larrañaga or Penny. So let's say this gets approved this evening. This process could take how long for the next level, the master plan to come back to us to be approved?

MR. LARRAÑAGA: Madam Chair, master plan, preliminary development plan and possibly the final could be all rolled into one it could take four to six months for them to go through the process. They submit for all the master plan requirements. That would be reviewed by County staff and state entities, just like any other master plan. We'd create a report with all the reviews. If they meet all the requirements then it would go out to the County Development Review Committee for –

CHAIR STEFANICS: So if this were to take four to six months and we have a new code that comes out during that period of time, I don't believe this would qualify under the new code in that area.

MR. ROSS: Madam Chair, one of the advantages of the new code is there will be a zoning map and you will make the decisions concerning the – at least preliminary decisions concerning all this zoning at the time you deal with the map. And so – well, that's true; I'd forgotten about that. This is in the Agua Fria plan so it would be taken up later when all those plans are addressed. But at some point you'll be looking at the whole community as a whole and be able to make a better informed decision on this kind of application I would think.

CHAIR STEFANICS: Commissioner Vigil.

COMMISSIONER VIGIL: Having participating in the planning process of Agua Fria Village, the special use exception was not intended to really create far more usage for the village with regard to increased either density or usage of commercial vehicles or commercial transactions. As a matter of fact, special use was identified to look at some of the

new potential businesses that would be coming into that village. I guess, and I'm sorry, Mr. Anaya, you've probably gathered by now I'm going to have to not vote in favor of this because I hope you understand that I represent the village as a whole with regard to this and their concerns have better than this and it's tugged at my heart, because the villagers concerns are Agua Fria has always been dumped on, and really I preach that all over the place because one only needs to drive from the city all the way down to the other limits of the village and you'll see where you have a water tower next to one of the oldest traditional historic churches.

You have a statue-like, castle-like structure next to one of the most historical homes in the state. You have the Camino Real ending there next to businesses that have cropped up that include CPA business, tax businesses, used car sales. Nobody was really helping the villagers out at one point in time until the code went into place. And nobody was really helping them out until they took it upon themselves to empower themselves to create their own destiny through their planning process. And their planning process doesn't only have the mission of allowing special uses, not increased usage. And that was specifically stated with other businesses that are there.

So you also are my constituent. I hope you can understand where I'm coming from with this. I really need to represent what's in the best interests of the processes that have been put in place since I have represented this area. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. This is not a public hearing. I'm sorry. Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, Commissioners, I think we should not make light of the fact that this business has provided livelihood, money and resources and food on the table for a family. And I think I even said it on the record at the last meeting when we had the last hearing. I think I even told the Anayas and I'll tell them again that as this evolves through the process there may be a scaled down version of what you've evolved into, but to put you in a position of not having that opportunity is where I have my frustration as a Commissioner and I would hope that a majority of the Commission would take into consideration that this is about family, livelihood and that there's still a process by which there's going to be a review and analysis of the site and what can and cannot be done with additional recommendations to go along with fire recommendations and others but that this gives you that opportunity to continue through that process and doesn't end it here tonight. Thank you.

CHAIR STEFANICS: Commissioner Anaya, would you be open to an amendment that would indicate that the master plan would need to come forward prior to six to eight months? If it passes?

COMMISSIONER ANAYA: I would accept that as an amendment, if the seconder will accept it.

COMMISSIONER MAYFIELD: Second, Madam Chair.

CHAIR STEFANICS: Okay. Let's say eight months, maximum.

COMMISSIONER ANAYA: I would accept that, Madam Chair.

CHAIR STEFANICS: So the reason, Commissioners, I'm making that

amendment is that if this is a livelihood that has to be adapted, changed, relocated, there is a

period of time in which to do that or in which to make drastic changes to the business. Any further comments? And I truly do appreciate Commissioner Vigil's comments for the community. I also appreciate that this is the family's livelihood, but unless there's going to be drastic changes it's not going to go forward anyway.

So we have a motion, we have a second, we have an amendment. All those in favor of the amendment first, please say aye.

#### The motion passed by unanimous [5-0] voice vote.

CHAIR STEFANICS: Okay, so there is an amendment adopted. Now we are back onto the motion with the amendment that if this is approved, this variance, that the master plan would have to come back to us before the end of eight months.

The motion passed by majority [3-2] voice vote with Commissioners Anaya, Mayfield and Stefanics voting with the motion and Commissioners Holian and Vigil voting against.

CHAIR STEFANICS: Thank you very much. It's 3-2. You have eight months.

[Commissioner Vigil left the meeting.]

 XVII. A. 4. BCC CASE # MIS 07-5502 Apache Springs Subdivision Extension. Beverly Chapman, Applicant, Joe Ortiz, Agent Request a One-Year Time Extension of the Preliminary and Final Plat and Development Plan Approval for the Apache Springs Subdivision. The Property is Located at 87 Camino Valle, within Section 10, 11, 14, and 15, Township 15 North, Range 10 East, (Commission District 4)

VICKI LUCERO (Case Manager): Thank you, Madam Chair. On December 14, 2010, the BCC granted approval of a two-year time extension of the Preliminary and Final Plat and Development Plan for the Apache Springs Subdivision. On May 13, 2008, the BCC granted Preliminary Plat and Preliminary Development Plan approval for the Apache Springs Subdivision which consisted of 16 residential lots on 40 acres.

On November 18, 2008 the BCC granted Final Plat and Development Plan approval for the Apache Springs Subdivision.

Article V, Section 5.3.6 of the County Land Development Code states, An approved or conditionally approved preliminary plat shall expire twenty-four months after its approval or conditional approval. Prior to the expiration of the preliminary plat, the subdivider may request, from the Board, an extension of the preliminary plat for a period of time not exceeding thirty-six months.

Article V, Section 5.4.6 of the Code states, An approved or conditionally approved final plat, approved after July 1, 1996 shall be recorded within twenty-four months after its

approval or conditional approval or the plat shall expire. Upon request by the subdivider, an additional period of no more than thirty-six months may be added to the expiration date by the Board.

The Preliminary and Final Plat and Development Plan for the Apache Springs Subdivision will expire on November 18, 2012. The Applicant stated that due to the slow economy and lack of funding through the banking system, they have not been able to proceed with the development. They are currently awaiting final approval of the Affordable Housing Agreement and are in the process of obtaining signatures on the plat and securing a financial guarantee for the site improvements. The Applicant is requesting a one-year time extension of the Preliminary and Final Plat and Development Plan approval which would render the approval valid until November 18, 2013.

Staff recommendation: Approval of the request for a one-year time extension of the approved Preliminary and Final Plat and Development Plan for Apache Springs. Thank you, Madam Chair, I stand for questions.

CHAIR STEFANICS: Thank you. I believe you might not be looking at the new redistricting maps and Commissioner Holian believes this is in Commission District 4, not 5. So is this east of 285?

MS. LUCERO: Madam Chair, yes it is east of 285.

CHAIR STEFANICS: Okay. I think you need a redistricting map in your office because there are a couple other ones that have come forward, so you might want to just correct that. Okay, so are there questions or comments to staff? This is a time extension. Is the applicant present. Do you have anything you'd like to come up and say? [From the audience the applicant's agent decline to add any information.]

CHAIR STEFANICS: Is there any objection? Commissioner, do you want to move? It's your district.

COMMISSIONER HOLIAN: I move for approval, Madam Chair.

COMMISSIONER ANAYA: Second.

CHAIR STEFANICS: Okay. So there's a motion and a second for the

The motion passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this vote.]

COMMISSIONER ANAYA: I just want to say for the public listening or the people watching, this extension has been consistent with other requests that have come before us in recent times to afford people the opportunity to get through a tough economic time and hopefully things will change and improve. So this is consistent with other approvals this Commission has granted in recent months. Thanks.

CHAIR STEFANICS: Thank you.



extension.

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#### XVII. A.

#### BCC CASE # MIS 12-5350 Turquoise Trail Subdivision North Phase. Time Extension RCS-Turquoise Trail South I, LLC, a Colorado LLC, Requests a 24-Month Time Extension of the Previously Approved Preliminary and Final Plat and Development Plan Approval for the North Phase of the Turquoise Trail Subdivision Consisting of 290 Dwelling Units on 101.57 Acres. The Property is Located off of New Mexico State Highway 14, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5)

VICENTE ARCHULETA (Case Manager): Thank you, Madam Chair. CHAIR STEFANICS: I do believe this is Commission District 5. MR. ARCHULETA: I'm not sure. I'll double-check that.

CHAIR STEFANICS: Okay. So that's why I'm saying there needs to be a redistricting map in Land Use please to come forward with the correct districts on this since it's part of the record.

On February 14, 2006, the BCC granted Preliminary and Final Plat and Development Plan approval for the North Phase of the Turquoise Trail Subdivision which consists of 178 Single Family residential lots, 100 Multi-family residential homes and 12 live/work units for a total of 290 residential units on 101.57 acres.

Article V, Section 5.3.6 of the County Land Development Code states, An approved or conditionally approved Preliminary Plat shall expire twenty-four months after its approval or conditional approval. Prior to the expiration of the Preliminary Plat, the subdivider may request, from the Board, an extension of the Preliminary Plat for a period of time not exceeding thirty-six months.

Article V, Section 5.4.6 of the Code states, An approved or conditionally approved Final Plat, approved after July 1, 1996 shall be recorded within twenty-four months after its approval or conditional approval or the plat shall expire. Upon request by the subdivider, an additional period of no more than thirty-six months may be added to the expiration date by the Board.

The Preliminary and Final Plat and Development Plan for the Turquoise Trail Subdivision North Phase expired on February 14, 2009.

On December 13, 2011, the Board of County Commissioners adopted Resolution No. 2011-193 which found the existence of severe economic conditions and suspended enforcement of specified provisions of Article V of the Land Development Code that concern expiration of Master Plans, Preliminary Plats and Final Plats.

On December 13, 2011, the Board of County Commissioner also adopted Ordinance No. 2011-11, which states the Board of County Commissioners may suspend provisions of Article V, Sections 5.2.7, 5.3.6, and 5.4.6 of the Code upon a finding of economic necessity,

which is defined in terms of a score of 100 or less on the Conference Board's Leading Economic Index<sup>®</sup> for the United States for any quarter, and for three years following any such event, and the Board recognizes that these conditions are present and desires to temporarily suspend the enforcement of those sections of Article V that set forth expiration of Master Plans Preliminary Plats and Final Plats for two years pending an economic recovery.

At the time of expiration of the Plat Approval for the Turquoise Trail Subdivision North Phase, the Conference Board's Leading Economic Index<sup>®</sup> score was 97. As of September of 2012 the LEI was 95.9.

The Applicants are requesting a 24-month time extension that would render the Preliminary and Final Plat and Development Plan approval valid until November 13, 2014.

Recommendation: Approval of the request for a 24-month time extension of the approved Preliminary and Final Plat and Development Plan for the Turquoise Trail Subdivision North Phase. Thank you, Madam Chair.

CHAIR STEFANICS: Thank you. Are there any questions for the staff? Is the applicant here?

KARL SOMMER: Yes, Madam Chair.

CHAIR STEFANICS: Do you have anything that you need to say?

MR. SOMMER: Nothing that I need to say. I can answer questions you might

have.

CHAIR STEFANICS: Thank you very much. We are now on that item – no questions? I would move approval of the extension.

COMMISSIONER HOLIAN: Second. CHAIR STEFANICS: Okay.

The motion passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]

XVII. A. 6. CDRC CASE # S 12-5310 Turquoise Trail Subdivision South Phase RCS-TT South, LLC, Requests Preliminary and Final Plat Approval to Create 58 Additional Lots on Block 1 and Block 2 of the Turquoise Trail Subdivision South Phase, to Replace the 58 Previously Approved Condominium Units. The Property is located off of Carson Valley Way, Which is off of Highway 14, within Sections 24 and 25, Township 16 North, Range 8 East (Commission District 5)

> COMMISSIONER ANAYA: Madam Chair. CHAIR STEFANICS: Yes.

COMMISSIONER ANAYA: Having looked at the packet, this is almost the same situation associated with the last case. Is there anything different than the other one? I think in the interests of time do we need to go through the entire reading of it or could you just bring up differences?

MR. ARCHULETA: I can give you a summary. Basically, they're asking to

create lots on a previously approved lot that was created for townhomes and condominiums. So all they're asking for is to replace those condominiums and make them fee-simple lots.

CHAIR STEFANICS: Okay. So is the applicant here? And would you like to speak to this? Could you just identify yourself for the record?

MR. SOMMER: My name is Karl Sommer. I'm an attorney. My mailing address is P.O. Box 276, Santa Fe, New Mexico. I think that Mr. Archuleta summarized it exactly right. The number of dwelling units, the resources, all the infrastructure is in, except the dwellings aren't – they're just creating lots where there would just otherwise be condos. Now people will buy fee-simple lots, same number. All of the infrastructure to serve, all of the water, all of the sewer, everything is built to serve these homes.

CHAIR STEFANICS: Thank you. This is a public hearing. Is there anybody in the audience that's here to speak for or against this request? Okay. There's nobody here. Commissioners?

COMMISSIONER MAYFIELD: Move for approval, Madam Chair. COMMISSIONER HOLIAN: Second. CHAIR STEFANICS: Any discussion?

The motion passed by unanimous [4-0] voice vote. [Commissioner Vigil was not present for this action.]

COMMISSIONER ANAYA: Madam Chair.

CHAIR STEFANICS: Commissioner Anaya.

COMMISSIONER ANAYA: Madam Chair, I appreciated the summary that Vicente did on the prior case that talked about the Commission discussing the economic hardship and making accommodation for the extensions of time to the Commission. I would just ask that as we're going through the new code that we figure out a process to where if the Commission adopts the ability to extend for that reason that we not necessarily have to bring every single case back to the Commission if it's already been articulated that for these reasons, there would be justification to accommodate the request. Is that something that staff thinks is realistic or do-able?

MS. ELLIS-GREEN: Madam Chair, Commissioner Anaya, the new code does call for concurrent processing which means that you could have requested a variance and the equivalent of a master plan development plan altogether. That would mean that when the BCC is looking at the variance they would actually be able to see the site plan and what was approved and what the applicant's request was for for landscape and lighting, signage, water, sewer, everything together. So you would be able to see that all in a package. So the new code would ask for that.

COMMISSIONER ANAYA: But on these extensions that we're getting, I think we should maybe have a process on the previous couple cases that once we've articulated that if you meet these thresholds that that can be administratively done instead of bringing each case to us. Because all of the cases we've done have pretty much met the same thresholds.

MS. ELLIS-GREEN: Madam Chair, Commissioner, I'm sorry. I thought you

had talked about Jose's case and I think you are referring to Vicente's case. We can check that. I'm not sure if we use the exact same language as statute because I think the statute gives the final plat a certain amount of time and requires the Board to approve any extension, but we can definitely check that.

> COMMISSIONER ANAYA: Thank you. COMMISSIONER MAYFIELD: Madam Chair. CHAIR STEFANICS: Yes, Commissioner Mayfield. COMMISSIONER MAYFIELD: Happy Birthday. CHAIR STEFANICS: Thank you very much.

#### XVIII. ADJOURNMENT

Having completed the agenda and with no further business to come before this body, Chairwoman Stefanics declared this meeting adjourned at 7:00 p.m.

Approved by:

Board of Gourty Commissioners Liz Stefanics, Chairwoman

ATTEST

VALERIE ESPINOZĂ SANTA FE COUNTY CLERK

Respectfully submitted:

Karen Farrell, Wordswork 453 Cerrillos Road Santa Fe, NM 87501



#### Settlement Agreement

The parties have mediated this matter on November 8, 2012 before mediator Leslie C. Smith, retired federal magistrate judge. As a result of this mediation, the parties agree to resolve OCentro Espirita Beneficente Uniao Do Vegetal, U.S.A., Nucleo Santa Fe and the Aurora Foundation (PLAINTIFFS), v. Board of County Commissioners of Santa Fe County, United States District Court for the District of New Mexico, Case No. 12-CV-00105 JB/LFG, as follows:

- 1. PLAINTIFFS shall be permitted to build a temple at 5 Brass Horse Road, Santa Fe NM as described in their master plan and preliminary development plan submitted to the County of Santa Fe Land Use Department and presented to the Board of County Commissioners, subject to the following conditions:
  - a. All services shall be conducted inside the proposed temple. PLAINTIFFS shall be permitted on occasion to conduct services in the proposed courtyard provided the proposed courtyard is walled in.
  - b. Services and number of attendees at the property shall be limited to those described in attached Exhibit 1. In addition to routine, local church business meetings, Plaintiffs shall be permitted no more than 3 administrative meetings a year which shall precede one of the regular services described in Exhibit 1. Attendance at these administrative meetings shall be limited to no more than 81 persons.
  - c. All conditions of approval previously recommended by County land use staff to the Board of County Commissioners that are not inconsistent with this document shall apply.
  - d. This agreement shall be subject to approval by the Board of County Commissioners prior to becoming effective, and shall provide appropriate notice of the meeting during which this agreement is considered. If approved by the Board of County Commissioners, Plaintiffs' Master Plan and Preliminary Development Plan shall be approved, and UDV shall be issued a final development permit administratively upon request.
  - e. The County shall bring county water to the property line of the proposed temple and PLAINTIFFS shall hook up to county water and will not use the well on the property. County will install a fire hydrant for fire protection for the proposed temple. PLAINTIFFS shall become a County water customer.
  - f. The County shall install a package sewage treatment plant on the premises with the design to be approved by UDV with approval not being unreasonably withheld. Maintenance of the plant shall be conducted by a licensed contractor as selected and paid for by PLAINTIFFS.
  - g. PLAINTIFFS agree it will not erect a yurt or greenhouse on the property.
  - h. PLAINTIFFS agree that for the next 5 years it will not erect any additional structures on the premises. At the expiration of 5 years PLAINTIFFS shall be authorized to erect a caretaker's residence on the property as described in their original master plan and preliminary development plan submitted to Santa Fe County.

- i. PLAINTIFFS shall construct a wall to shield the parking area. Location, type and height of the wall shall be subject to the approval of the County, with approval not to be reasonably withheld. Approval to be made administratively through County Land Use staff.
- j. Ingress and egress to the property shall be as described in the master plan and preliminary development plan submitted to Santa Fe County, except that PLAINTIFFS agrees, if it locks the premises during services that a means of egress is provided and that a Knox lock is provided so emergency services have access to the property.
- k. An order rescinding the October 26, 2011, order shall be adopted by the Board of County of Commissioners; the form and content of the order is attached hereto as Exhibit 2.
- The Board of County Commissioners shall pay Plaintiffs' attorneys fees in an amount to be agreed to by the parties. Failing an agreement on the amount of fees to be paid, the parties agree to submit the issue of the amount of fees due to the plaintiffs to the court for determination Defendant does not question plaintiffs' prevailing party status.
- m. Upon approval of the settlement agreement, plaintiffs shall relinquish their claims for damages and dismiss with prejudice the above captioned lawsuit and shall sign a standard release of any and all claims.

Robert 20, Br Robert Becker, Attouney for Defendante stephen C. Ross, County Attorney Elizabeth StefANICS, SF COUNTY CHAIR Miller, SF County NULLED PRESID SANTA JEFFREY BRONFMAN - Vice Aresident UDU- USA Desident Aurora Fundahur

#### HOURS OF RELIGIOUS SERVICES & ACTIVITIES

Type of Service	Projected Services/year	Projected Max. Members/Event	Service Hours (4 hrs typical duration)	Day
Type 1	22	100	8pm	1 <sup>#</sup> & 3 <sup>rd</sup> Saturdays each month
Type 2	8	100	8pm	About 8 per year
Type 3	6	35	1pm – 10 pm	Any day of the year
Type 4	6	16	1pm - 10 pm	Any day of the year
Type 5	6	9	10am-10 pm	Any day of the year
Туре 6	3	20	1pm – 8 pm	Weekend afternoons
Type 7	2	60	1pm 8pm	Any day of the year
Туре 8	5	45	Noon	Sundays no more than once every 60 days
Workdays	8	25	Daylight hours	One Saturday each month

UDV Master Plan/Preliminary Development Plan Report

Exhibir 1

# THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY REVIOUS CONDITIONS

ORDEF

#### CASE NO. MP/PDP 09-5300 **UDV TEMPLE, APPLICANT** JAMES SIEBERT, AGENT

THIS MATTER, having come before the Board of County Commissioners ("Board") for public hearings on June 14, 2011 and July 12, 2011 on the application of the Centro Espirita Beneficente Uniao do Vegetal in the United States ("the Applicant"), represented by Mr. James Siebert, for approval of a Master Plan and Preliminary Development Plan of a community service facility ("the Application") pursuant to Ordinance No. 1996-10 (the Santa Fe County Land Development Code), as amended, and a written order having been issued on October 26, This were Marret -n N Supportable 2011, which denied the application, and the Applicant having subsequently filed a civil lawsuit for unsubstantinted -improper in the federal District Court for the District of New Mexico, Cause No. CV-12-105 JB/LFG, which was resolved by settlement in the Settlement Agreement and Release of Claims ("the Settlement Agreement"), on [date], which Settlement Agreement provided for an alternative location for the subject community service facility and renders the application and order in the present case moot,

10/10/0#1

And the Board of County Commissioners, having reviewed the Settlement Agreement, Order, Application and staff reports and having previously conducted two public hearings, FINDS that the Settlement Agreement and Release of Claims renders the proceedings in this



matter moot, and that the Board's Order should be vacated in its entirety and to have no force and effect.

#### **IT IS SO ORDERED:**

This Order is approved by the Board of County Commissioners of Santa Fe County on

this \_\_\_\_\_ day of \_\_\_\_\_\_, 2011.

THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY

By

Liz Stefanics, Chair

ATTEST:

Valerie Espinoza, County Clerk

#### **APPROVED AS TO FORM:**

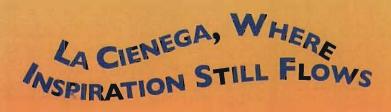
Stephen C. Ross, County Attorney

**EXHIBIT** 

### THANKSGIVING WEEKEND NOVEMBER 24, 25, 2012 10 AM – 5 P.M.

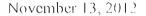
Please join us this Thanksgiving weekend for a rewarding adventure in La Cienega, an historic village just minutes south of Santa Fe!

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CELEBRATING 39 YEARS AS New MEXICO'S OLDEST STUDIO TOUR

EXHIBIT





#### To Board of County Commissioners ("BCC"):

In consideration of the discussion and decision to send this issue to mediation at the County Development Review Committee hearing on June 21, 2012, Robert and Bernadette Anaya, as residents of Agua Fria Village and as owners of Anaya's Roadrunner Wrecker Service ("ARWS"), hereby submit to the BCC a supplement to their letter of request regarding the above-reference property.

#### MEDIATION:

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During Counsel for Anayas' first discussion with the Mcdiator, the Mediator stated that she did not believe the process would work "if attorneys were involved." Ms. Talia V. Kosh, attorney for the Anayas, assured the Mediator that the presence of the Anayas' attorney was requested, in part, to assist with issues encountered during the mediation, not to obstruct any parties who sincerely came to reach a compromise. *See* emails exchanged between the Mediator and counsel for Anayas, attached as **Exhibit A**.

Immediately after the last BCC hearing, Counsel for Anayas had a short discussion with the primary complaining parties (Romeros), during which the Romeros, in reference to the Mediation ordered by the BCC, stated, "We're not going to agree; so what's the point?" Counsel responded to them that a compromise could possibly be reached, but the Romeros clearly indicated that they were not interested in participating in any mediation process.

The failure of the Mediation ordered by the County cannot be attributed to the Anayas, as they, via their counsel, made every effort to schedule a mediation date convenient for all parties and to assure the Mediator that counsel's presence would not obstruct, and would, in fact, benefit, the mediation process. *See* Exhibit A. emails exchanged between the Mediator and counsel for the Anayas. Unfortunately, a mediation could not be scheduled, essentially because the complainants were not willing to compromise and the selected Mediator was opposed to the attendance of counsel. The mediatory states, "the lack of participation from opponents to the variance is not an indicator of interest, but just not wanting to be involved." There seems to be a disconnect to this reasoning, as we argue that this, very much so, indicates a lack of interest and an indicator of the level of importance to opponents in seeing this issue resolved.

#### FACTORS SUPPORTING ALLOWANCE OF THE VARIANCE:

1. The activities conducted by the Anayas on Ben's Lane are "grandfathered":

The Anayas are longstanding residents and small business owners in the Agua Fria Village at 2253 Ben Lane, Santa Fe, New Mexico. Mrs. Anaya's family has owned the subject property for 5 generations, and most of the surrounding properties are also owned by members of the Anayas'

immediate or extended family who have lived side by side with the Anayas since 1989 while they have unobtrusively operated their tow truck business - which essentially consists of parking their towing vehicles at the back of their property. Indeed, the Anayas purchased from Padilla's Towing in 1991 (who were also residents and business owners in Agua Fria Village) and uninterruptedly continued the tow truck operation until this day. Therefore, according to Agua Fria Village, any then-existing business qualified for "grandfathering."

In fact, in a letter dated August 10, 2012, William Mee President of the Agua Fria Village Association ("AFVA"), states, "Also during the (community planning) process, a number of businesses which had industrial land uses not compatible with residential land uses were "grandfathered" in (such as Anaya's Wrecking, L&L Portable Toilets, Montano Sand & Gravel, Cassidy's Landscaping, Lujan's Paint and Body, etc.)." *See* ExhibitB. Therefore, according to the AFVA, the Anayas' wrecker business has been grandfathered in, along with the many other businesses (so many that Mr. Mee did not even begin to list all of the businesses that are within the AFVA). At the very least, this letter and the precedent set within this community demonstrate that the AFVA views the Anayas' use of their property as a permissible use.

Because the Anayas are not requesting any additional "development" of their property and are only requesting that they continue to be able to park their towing vehicles at the back of their property in between assistance calls, as they have done since they purchased the business, the requested variance is actually confirmation of the obvious legality of the Anayas' use of their property as it has always existed.

The Anayas were parking the same number, size and type of vehicles when the AFVA planning meetings of 2004-2006 were occurring as they are now, and the Anayas' use of the property was then approved by the AFVA as is substantiated in Mr. Me's letter.

In addition, the County's Plan states that the County will "honor existing community plans and ordinances and support community planning." (Code Section 1.4.3.1.2). Accordingly, the County should honor the process that has already occurred, taking into account the fact the Anayas' business operation was taken into account as an integral consideration of the AFVA development process, and when such occurred, no objections to their business were interposed.

In response to Mr. Larranaga's Report to the Commission dated today, November 13, 2012, Mr. Larranaga refers to such issues as the fact that Anayas made application in 1989 for an impound lot and were denied. We again reiterate that nothing in this variance consists of a request for an impound lot so this point is moot. While the Anayas have a business license from the City, they did not understand until this process began that it was necessary to also have one with the County. The Anayas also did not understand until the Romeros brought their complaint that dispatching calls from their house and parking their vehicles on their property when not in use would consist of "commercial activity" and believed such "commercial activity" to be conducted at their Industrial Road location.

2. No substantial change in the operation of the Anayas' business has occurred since 1991:

Since the Anaya's purchase of Padilla's Towing in 1991, the nature of the business has not substantially changed. Since 1991 to date there have been between 7 to 10 trucks parked on the property at any given time. Therefore, no substantial change in the use of the property has occurred throughout this time period. Certainly, trucks have been replaced over the years as needed, but the

capacity has not substantially increased and roughly the same amount of equipment exists as did when the business was purchased from the Padillas by the Anayas. Further and perhaps more importantly, the Anayas have less equipment and trucks than many other towing businesses in Agua Fria Village who are based and operating within the Agua Fria Village.

 The parking of 8 tow vehicles on the subject property is consistent with the character of Agua Fria Village and is a permitted use within the Agua Fria Village Association (AFVA); therefore, a variance is unnecessary, as the use is permissible under current law.

In a September 2007 County Regional Planning Authority Comparison of Zoning District Designations, the Agua Fria Village ("AFV") is labeled, in part, as a "mixed use center" and "high intensity commercial" and "community commercial." In the Agua Fria Village Community Plan (the Anayas were an integral part of its development), it is stated that commercial/Mixed-Use Zoning Districts are allowed to be located throughout the Village. *See* the AFV Community Plan, Page 9.

As William Mee, President of the AFVA, states in his letter, "...parking Anaya's Roadrunner Wrecker Service towing vehicles as they have been parking them consistent with running their business at 2253 Ben Lane, Santa Fe, NM, is not inconsistent with the character of Agua Fria Village, as there are many mixed-use family-run businesses within the village." *See* letter of AFVA, **Exhibit B**.

Mr. Mee has since submitted an additional letter, under pressure from the Romeros, and states that "the letter that was submitted on behalf of the Agua Fria Village Association...may have been misinterpreted as support for he Anaya variance..." **Exhibit 13** of Mr. Larranaga's report. However, Respondents posit that Mr. Mee must contend with incredible pressure put forward by the Romeros, just as we have been informed that the Agency has had to contend with. Everyone is afraid of the Romero's retribution. The Romeros told the Anayas that they would make their "life a living hell," and indeed they have. They have resorted to intimidation tactics on all fronts.

In Talia Kosh's and Anaya's conversation with Mr. Mee, he stated that he did not want to take sides, but he would write a letter stating the AFVA position and that that none of this should be an issue as all should have been grandfathered in after such a long amount of time. Mr. Mee understood when he wrote the letter dated August 10, 2012, that the Anayas wished him to draft this letter to assist them in obtaining a granting of the variance in this case.

The area of the Village is such that to disallow this use would jeopardize all other mixed-use businesses in the area. This, we contend, would be a denial of equal protection.

#### 4. Emergency response concerns:

The Anayas have 108 letters and signatures of support for this variance being granted. See **Tab 8** of "Request for Variance" notebook provided to Commissioners in this case. The Anayas' family towing business has created many relationships with public emergency responders over the years, as they stand ready to respond at any hour of the day or night to provide aid in community emergencies, including responding to calls from the New Mexico State Police Department, the Santa Fe Police Department, the Bureau of Indian Affairs, the NM Department of Transportation, Tesuque Tribal and other governmental organizations. See List of References for Anaya's Towing Services provided to



governmental facilities. See **Tab 8** "Request for Variance" notebook. See also Professional Services Agreement between Anaya's Roadrunner Wrecker Services and the County regarding the Santa Fe County DWI Seizure Lot, at **Tab 9**, "Request for Variance" notebook. See also Letter from Department of Public Safety, confirming the tow log with the New Mexico State Police, at **Tab 9**, "Request for Variance" notebook.

It is therefore necessary that the Anayas be permitted to continue to park tow vehicles at the back of their property, as they have done since 1989, in order to be able to respond to emergency calls in a timely fashion. Should the Anayas store their tow trucks off-site, at their designated impound lot off of Industrial Road in Santa Fe, the time it takes to travel to retrieve their tow vehicles could mean the difference between whether or not a life is saved or important government property is preserved.

Regularly, the Anayas are called by emergency responders who have no other tow company alternative, because of the Anaya's broad range of towing options. Emergency responders cannot get to citizens in exigent and dire circumstances without the assistance of the Anayas' tow trucks. AWRS is the only tow truck company in Northern New Mexico that has the capacity to tow large, heavy and/or unwieldly loads. (This need was demonstrated recently when the Anayas were called in the middle of the night by emergency dispatch in Northern New Mexico (4 hours away from Santa Fe) because there were no other towing services that could handle moving a large wrecked semi-truck off of a major highway.)

The ability of the Anayas' towing service, which has written and verbal agreements with governmental agencies, to respond quickly to emergencies from their home on Ben Lane (within an elapsed time of no more than 30 minutes), *is a public interest concern*.

Further, to force the Anayas to lease and park most of their 8 tow vehicles on a site away from their property would be prohibitively expensive and would effectively destroy their ability to make a living in the tow truck business after over 20 years of public and community service.

Furthermore, apart from the prohibitive expense of relocation, such a move would likely require adherence to other county land use requirements generating additional costs and time allocation, the practical result of which would be to destroy this family's ability to earn a living.

5. <u>The Anayas' current use of their property is consistent with the Santa Fe County's</u> <u>Sustainable Growth Management Plan:</u>

This mixed-use is not out of character with Santa Fe County's Sustainable Growth Management Plan. According to the Santa Fe County Sustainable Growth Management Plan, "...compact, mixeduse developments served by adequate facilities are a priority. SF County Sustainable Growth Management Plan, Section 2.2.4, Future Land Use.

Further, traditional communities, such as Agua Fria Village, arc based on three main elements: centralized purpose; cultural functions; and mixed uses. *See* AFVA blog, page 5. Also, the AFVA states that "traditional communities are an economic base for Santa Fe County and they have sustainable qualities that endure economic recession." Page 10. This rings true for the Anayas, as their towing business is not necessarily dependent upon a good economy, and they are a local business in every sense of the word. The County should, in the interest of upholding its own Plan, support this mixed-use residential business in the community.

"Residents have extended families to provide no or low cost child care and supervision. Many residents are from multi-generational families that have been on their land for years...." *Id.* A goal of the AFVA is to "pursue a diverse and sustainable local economy for traditional communities that integrates environmental and community needs *and supports the local workforce* and provides new opportunities for local employers and residents." The Anayas are exactly the type of family and business discussed in the AFVA blog and for whom this goal was created.

5

Further, pursuant to the SF County Sustainable Growth Management Plan, of which Agua Fria Association is a part, the growth management strategy should "continue to protect and create central, mixed use places in a community setting. Real desired places that have 'centeredness' allow for focused economic, institutional, social and functional opportunities. SF County Sustainability Plan, Section 1.3.1. The Anaya's business is exactly the type of small mixed-use business this section intends to protect.

Also in the AFV Community Plan, it is stated that "home businesses are an important economic alternative for community members." Indeed, the Anayas are exactly the type of business referred to here as ARWS received a business nomination award for 2012, *See* **Tab 8** of "Request for Variance" notebook.

Mr. Larranaga states this is a request for variance is pursuant to a special use, but we also argue here that, Parking 8 tow vehicles at the back of Anaya's property, as they have for over two decades, may fall under the conditional and allowable use of "Vehicle Sales And Service: Vehicle service, general.

The parking of 8 tow vehicles would fall under the category of vehicle services for the following reasons: these towing vehicles are in the business of on-call dispatch to respond to emergency and non-emergency requests for vehicle tows either to impound lots or service centers. The towing business is an integral part of vehicle service, in general.

6. Should the AFDRC and/or CDRC find that the storing of 8 tow vehicles on the Anayas' property is not a conditional or specific use allowable under the Ordinance, the Anayas hereby request that variance of the Ordinance and/or Code be reviewed and approved, pursuant to all of reasons stated hereinabove.

The requested variance for commercial activities would, in no way, increase the intrusion upon the existing, surrounding properties. There is no "further development" that is planned. No structures are to be constructed; no new business is to be conducted. The only vital part of this variance request would be to allow the Anayas to park up to 8 tow vehicles at the back of their property. This would be the maximum number of tow vehicles that would be parked on the Anayas' property at any given time. (For most of the time, only half of this number of vehicles would actually be parked on the subject property, as at least half of the vehicles are out performing tows at any given time.)

The Land Use Development Code does not specify a maximum amount of commercial vehicles that can be on the property at any given time, so technically, there is no present specific violation of the Code.

Further, looking at the purpose of the Ordinance in question (to preserve the traditional and contemporary community of Agua Fria Village), putting the Anayas out of business would run counter to preserving the traditional and contemporary community, of which the Anayas are an integral part. The Anayas' family-owned towing business serves to keep our community safe, and a majority of their neighbors value them as essential residents and welcome business owners of Agua Fria Village.

2

Multiple factors may be considered in deciding whether to grant a variance, "including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to come into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood." *Hertzberg v. Zoning Bd. Of Pittsburgh*, 554 Pa. 249, 721 A.2d 43 (1998), at 50. Applying these factors, there would be significant cost and corresponding economic detriment to the Anayas if they are forced to park their towing vehicles off of their property.

Further, even without the clear approval of AFVA, the characteristics of the surrounding area make it appropriate for the Anayas to continue to park their tow vehicles on their property. For example, the Anayas' neighbors are comprised of multiple commercial businesses of mixed use, with heavy traffic, and industrial, mixed uses, including, but not limited to:

- (1) The Rodriguez' Sand and Gravel Business-which utilizes multiple large commercial trucks to tow and store sand and gravel
- (2) The Padillas Commercial Bus business-which utilizes multiple large commercial buses daily with contant shuttling in and out of their property
- (3) Ce de Baca's Mechanic Business, L & G Automotive-which parks dozens of vehicles on its property for repair and maintenance, including large vehicles

These commercial businesses surround the Anayas' property and have, over time, evolved to alter the nature of the community in that particular area, making it an area filled with mixed use and commercial/industrial properties. The Anayas' parking of their tow trucks on their property is one of the more minimal mixed-uses in their immediate community. In the County's plan, it states that the County "support[s] contemporary communities and their evolving neighborhoods." (Plan, Section 1.4.3.3.4) and support[s] self-determination and self-sufficiency in all communities. (Section 1.4.3.4.4).

Granting this variance would result in a net public benefit. Benefit to the public is another factor that may be considered in the granting of a variance. Kenneth H. Young, *3 Anderson's Am. Law of Zoning* § 20.52, at 597 (4th ed.1996). The ability of the Anayas to continue to park their emergency dispatch tow vehicles on their property would continue to support and improve safety, economic development and quality of life, through necessary, enhanced tow services.

The Code provides that a variance may be granted if there is sufficient evidence that the variance "will not result in conditions injurious to health or safety." In the case at issue, the Anayas have parked their vehicles at the back of their property for over two decades, and such has never resulted in any condition that has been injurious to the health or safety of the residents or of the surrounding community.

#### 7. <u>The Agency's recommendations that it does not meet fire code:</u>

- a. Because it is residential and no commercial structures are at issue, the Fire Department has stated that it is not necessary to construct a fire hydrant in closer vicinity than is already available;
- b. There is sufficient room for turn-around, and this area does not have to be designated. The land is flat and undisturbed-it has been driven on, and there is plenty of room to negotiate a turn, as demonstrated at **Tab 11.1** of "Request for Variance" notebook. The Anayas have issue with designating a certain area for a "hammerhead" because it would block future development if the Anayas eventually move or discontinue their business. They would, in effect, be stuck with something that should have never occurred but for the oversight of allowing structures to be built on an existing easement.
- c. The Fire Code at issue has been in existence since 1998. Since this time, a survey has been conducted on Ben's Lane, yet not until the filing of the Romero's complaint has the issue of a hammerhead ever arisen, which is an issue with or without this variance. Further, if the quieting of the title to the easement had been brought to the attention of the Anayas, the Anaya family certainly would have opposed the blocking of the easement by the Romeros.
- d. Further, the integrity of the Code is not being compromised by the Anayas continued use of their property to dispatch calls and park their tow trucks. Additionally, as long as the integrity of the Code is being upheld, the Code may be modified by the Fire Chief. The Anayas pray that this Commission request that the Fire Chief "modify" the Code in this instance to declare that there is sufficient turn-around space on Ben's Lane so that a hammerhead is not necessary.

Also, the Anayas' current use of the property does not generate noise levels greater than are consistent with the surrounding mixed use area. The Anayas' use is simply not incompatible with the character of the surrounding area. The current use requires no more parking than is now provided by existing parking on the site.

Thank you for your consideration of this letter of support.

Sincerely,

Bernadette and Robert Anava Signed by: Talia Kosti, Esq Attorneys for Applicants 460 Saint Michaels Drive, Ste 703 Santa Fe, NM 87505 (505) 983-9834

#### Talia Kosh

From:	Rosemary Romer
Sent:	Wednesday, Sept
То:	Talia Kosh
Subject:	Re: Mediation

ro\_<romero.rosemary@gmail.com>

From:Rosemary Romero < romero.rosemary@gmail.com>Sent:Wednesday, September 05, 2012 6.38 PMTo:Talia KoshSubject:Re: MediationTalia - thanks. In my 22 years of mediation work it would be a first for me, but stranger things have happenedfor sure.Image: Section work it would be a first for me, but stranger things have happenedImage: Section work it would be a first for me, but stranger things have happenedSection work directly with the other property owners and keep you informed as I move forward to organize thisBest, RosemarySection work it would be a first for me, wrote:On Wed, Sep 5, 2012 at 4:31 PH, Talia Kosh < tk@thebennettfirm.us> wrote:Rosemary,

Rosemary,

I completely understand where you are coming from, but due to the nature of this dispute, we just cannot allow communications without our presence. Please communicate through me, or their other counsel, Merit Bennett (at mb@thebennettfirm.us) and I will be sure to convey whatever you wish to convey to the Anayas. If you would like to speak to the Anayas in person, we can certainly arrange a meeting where we are all present, and you can discuss the matter with them, but we will have to be present.

In my experience, I have found that having attorneys present actually helps to minimize the tension and allows for more understanding and resolve. I have never been involved in a single mediation where the attorneys were the cause of the mediation falling apart. I have, however, been involved in mediations where the matter never would have been resolved but for the attorneys bringing reason to the conversation.

It is in all of our interest to resolve this issue.

Thank you for your understanding.



Talia Kosh

 From: Rosemary Romero [mailto:romero.rosemary@gmail.com]

 Sent: Wednesday, September 05, 2012 4:06 PM

 To: tk@thebennettfirm.us

 Cc: Vicki Lucero

 Subject: Mediation

 Dear Talia - as per our conversation earlier today. The mediation has been tentatively scheduled for Saturd V.

 October 13 from 1:00 - 4:00 p.m.

 I am in the process of contacting and interviewing other parties to the mediation.

My preference would be to communicate directly with the Anaya's about the mediation, so that the purpose of a mediation is not defeated before we even start. Do you have an email address I can use?

Hen Alt Ŕ.)

Best,

Rosemary

Rosemary Romero Consulting

building better communities through public involvement & decision-making, strategic planning, and conflict resolution

1350 San Juan Drive, Santa Fe NM 87505

505.982.9805 office 505.690.3016 cell

Rosemary Romero Consulting building better communities through public involvement & decision-making, strategic planning, and conflict resolution 1350 San Juan Drive, Santa Fe NM 87505 505.982.9805 office 505.690.3016 cell

## Agua Fria Village Association

2073 Camino Samuel Montoya Santa Fe, NM 87507



To Whom it may Concern:

August 10, 2012

The Agua Fria Village Association (AFVA), started in 1993, is the recognized neighborhood association for the Agua Fria Village Traditional Historic Community (THC) and routinely comments, on development proposals for our area. This letter is in regards to CDRC Case #V12-5200, the Robert and Bernadette Anaya Variance.

This is a difficult case to weigh in on since Robert and Bernadette Anaya are members of our Association, as well as the opponents to the case, Henry and Georgia Romero. Both families are upstanding residents of our area active in this Association's projects, the San Isidro Parish, the Cementerio de la Agua Fria, and the Agua Fria Community Water Association; making the taking of sides on this case very difficult. The two families are even related, and this has always been a red flag to the Association not to write a direct letter of support/opposition to any case.

What we can comment on is that both the Anayas and the Romeros participated in our <u>Agua Fria</u> <u>Village Community Plan</u> process from 2003 to 2006. During this process it would have been reasonable to discuss an objection to the Anaya's Roadrunner Wrecker Service land use as being incompatible with the residential land uses around it. However, I recall no such objections or protests (I attended 33 of the 36 meetings). Also during the process, a number of businesses which had industrial land uses not compatible with residential land uses were "grandfathered" in (such as Anaya's Wrecking, L&L Portable Toilets, Montano Sand & Gravel, Cassidy's Landscaping, Lujan's Paint and Body, etc.).

The Community Plan was adopted by County Ordinance and the Agua Fria Development Review Committee was empowered to operate under its purview. The absence of such a development review committee body may be why this case is now in front of you.

As a representative of the Agua Fria Village Association, I believe that parking Anaya's Roadrunner Wrecker Service towing vehicles as they have been parking them consistent with running their business, at 2253 Ben Lane, Santa Fe, NM, is not inconsistent the character of Agua Fria Village, as there are many mixed-use family-run businesses within the village.

The Roadrunner Wrecker Service was started by Henry Padilla, an Agua Fria Resident (Route 6 Box 18) in approximately 1975. He became a representative of the New Mexico Towing Association and was instrumental in having the Corporation Commission pass state regulations for the industry. After he sold his business to Robert Anaya, his two sons and son-in-law each started separate towing companies in Agua Fria Village.





Thank you for reading this.

Sincerely,

William H. Mee-

William Henry Mee, President AFVA (505) 473-3160 WilliamHenryMee@aol.com

# COUNTY DEVELOPMENT REVIEW COMMITTEE PUBLIC HEARING

Anaya's Roadrunner Wrecker Service Request for Variance

August 14, 2012

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IMPEACHMENT OF OPPOSITION

Attorneys at Law

Merit Bennett New Mexico Hawai'i Colorado

Talia Kosh New Mexico – Maryland New Mexico Office: 460 St. Michael's Drive, Ste<sup>2</sup>40 Santa Fe, New Mixico 8750 Telephone: (505) 983-9854 Fax. (505) 983-9836

Hawai'i Office: 1050 Bishop Street, #302 Honolulu, Hawai'i 96813 Felephone (808) 531-9722 1°ax (808) 486-2833

#### AFFIDAVIT OF PUBLICATION

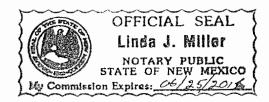
I represent Robert and Bernadette Anaya, as their counsel of record, I hereby certify that the foregoing legal notice was published once in the New Mexican and SFNM Classifieds on July 24, 2012. *See* Certificates of Posting, advertising receipt, publication of Notice of public hearing and certified mail receipts to all property owners within 100 feet, collectively attached as **Exhibit A**.

Attorney for Robert and Bernadette Anaya

STATE OF NEW MEXICO ) ) ss. COUNTY OF SANTA FE )

ACKNOWLEDGED before me this10th day of August, 2012, by Merit Bennett.

My Commission Expires 06/25/2016



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Anaya's Roadrunner Wrecker Service Inc. Mailing Address: 2253 Ben Lane SF, NM 87507 Physical Location: 2876 Industrial Rd. SF, NM 87507 Ph: (505) 471-2661 Fax: (505) 438-0157

#### FAX PAGE

Date: 7-24-2012

Time: 1:07 pm (ms)

From: Bernadette J. Anaya

To: Bennett & Kosh Attorney @ Law

Attn: Talia

Ref: Certificate of Posting, notice sent to property owners, vicinity map, Advertising receipt, newspaper ad, copies of certified mail, receipt From post office

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Phone: 983-9834

Fax: 983-9836

Number of pages faxed including cover page: 14

NOTES

#### **CERTIFICATION OF POSTING**

I herby certify that the public notice posting regarding Land Development

Case #  $\frac{12.5200}{12.5200}$  was posted for 21 days on the property beginning

The <u>23</u> day of <u>July</u>, <u>2012</u>. \*\* <u>Buimadetta</u> <u>Signature</u>

\*Photo of posting must be provided with certification

}

\*\*PLEASE NOTE: Public notice is to be posted on the most visible part of the property. Improper legal notice will result in re-posting for an additional 21 days. It is the Applicant's responsibility to ensure that the notice is on the property for the full 21 days.

STATE OF NEW MEXICO COUNTY OF SANTA FE

The foregoing instrument was acknowledged before me this  $23^{RD}$  day of 32012, By BERNADETTE J. ANAYA.

Notary Public

My Commission Expires:

214

7/1/2015



To be sent Certified Mail<u>return</u> receipt requested to all property owners within 100 ft. (excluding right of ways) of subject property and any neighborhood association or group registered with the County, for the area in which the development is proposed. Mailings must be sent out by July 24, 2012.

CDRC Case # V 12-5200 Robert and Bernadette Anaya Variance

Dear Property Owner:

Notice is hereby given that a public hearing will be held to consider a request by Robert and Bernadette Anaya for a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning District), Section 10.5 (Village of Agua Fria Zoning District Use Table), to allow a Towing Business as a Special Use under the Zoning Use Table on 0.70 acres. The property is located at 2253 Ben Lane, within the Traditional Community of Agua Fria, within Section 31, Township 17 North, Range 9 East, (Commission District 2).

A public hearing will be held in the County Commission Chambers of the Santa Fe County Courthouse, corner of Grant and Palace Avenues, Santa Fe, New Mexico on the 14<sup>th</sup> day of August 2012, at 5 p.m. on a petition to the Board of County Commissioners.

Please forward all comments and questions to the County Land Use Administration Office at 986-6225.

All interested parties will be heard at the Public Hearing prior to the Commission taking action.

All comments, questions and objections to the proposal may be submitted to the County Land use Administrator in writing to P.O. Box 276, Santa Fe, N.M. 87504-0276; or presented in person at the hearing.

Sincerely:

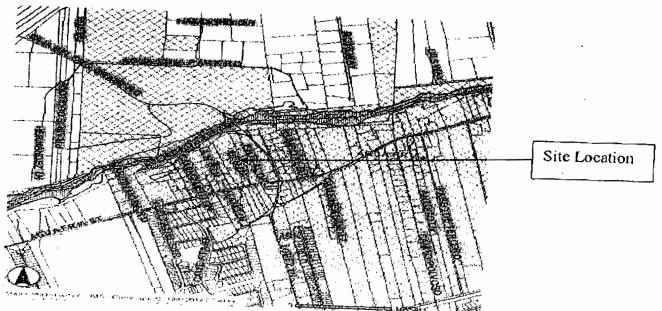
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Encl: Vicinity Map

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### Vicinity Map:



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202 E MARCY AVE		Cust# Ad#			
SANTA FE, NM 87504		Phone: (505)995-3818			
		Date	: 07/16/2	2012	
Ad taker: 38 Salespe	rson:	Class	ification:	6000	
Sort Line	Start	Stop	Runs	Lines	Cost
CDRC Case # V12-5200 Robert an	07/24/2012	07/24/2012	1	67	82.



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CDRC Case # V12-5200 Robert and Bernadette Anaya Variance

NOTICE OF PUBLIC

Active is hereby given that a public hearing will be held to con-sider a request by Robert and Ber-nadette Anaya for a variance of Ordinance No. 2007-2 (Village of Agua Fria Zoning Dis-trict), Section 10.5 (Village of Agua Fria Zoning District Use Table), to allow a Towing Business as a Special Use under the Zoning Use Table on 0.70 acres. The prop-erty is located at 2253 Ben Lane, within the Ben Lane, within the Traditional Commu-nity of Agua Fria, within Section 31, Township 17 North, Range 9 East, (Com-mission District 2). mission District 2). A public hearing will be held in the County Commission Cham-bers of the Santa Fe County Courthouse corner of Grant and Palace Avenues, Santa Fe New Mexico Palace Avenues, Santa Fe, New Mexico on the 14th day of August 2012, at 5 p.m. on a petition to the Board of County Com-missioners. Please forward all omments and ques-Use Administra-Office at All interested parties will be heard at the Public Hearing prior Public Hearing prior to the Commission taking action. All comments, ques-tion and objections to the proposal may be submitted to the County Land Use Ad-ministrator in unitaministrator in writing to P.O. Box 276, Santa Fe, New Mexico 87504-0276; or pre-sented in person at the hearing. Legal #

Pub. July 24, 2012

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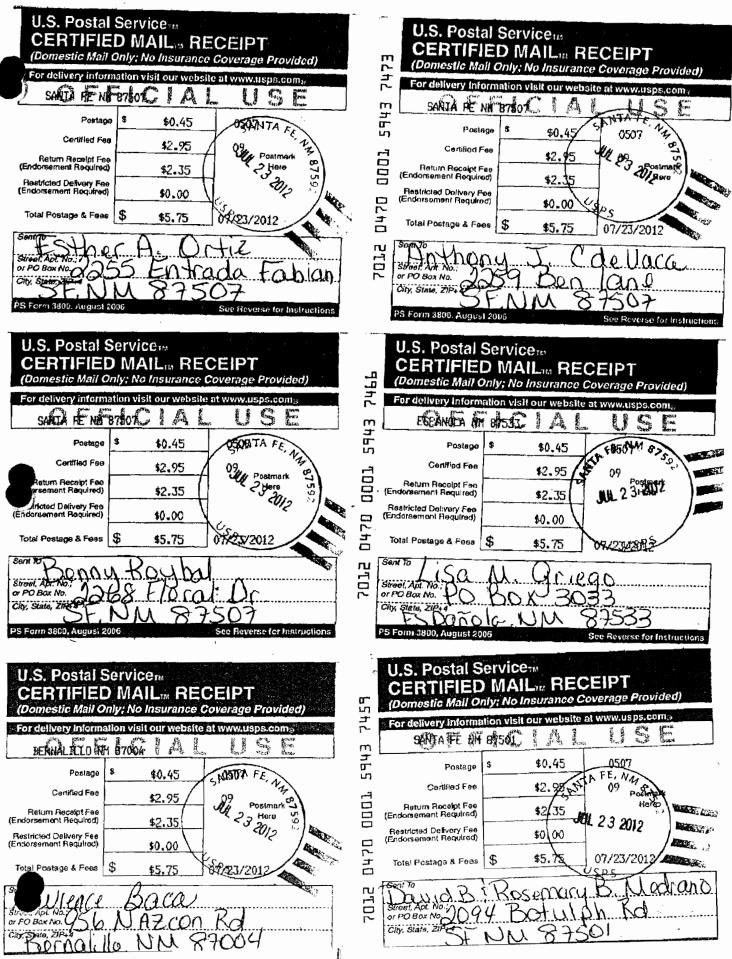
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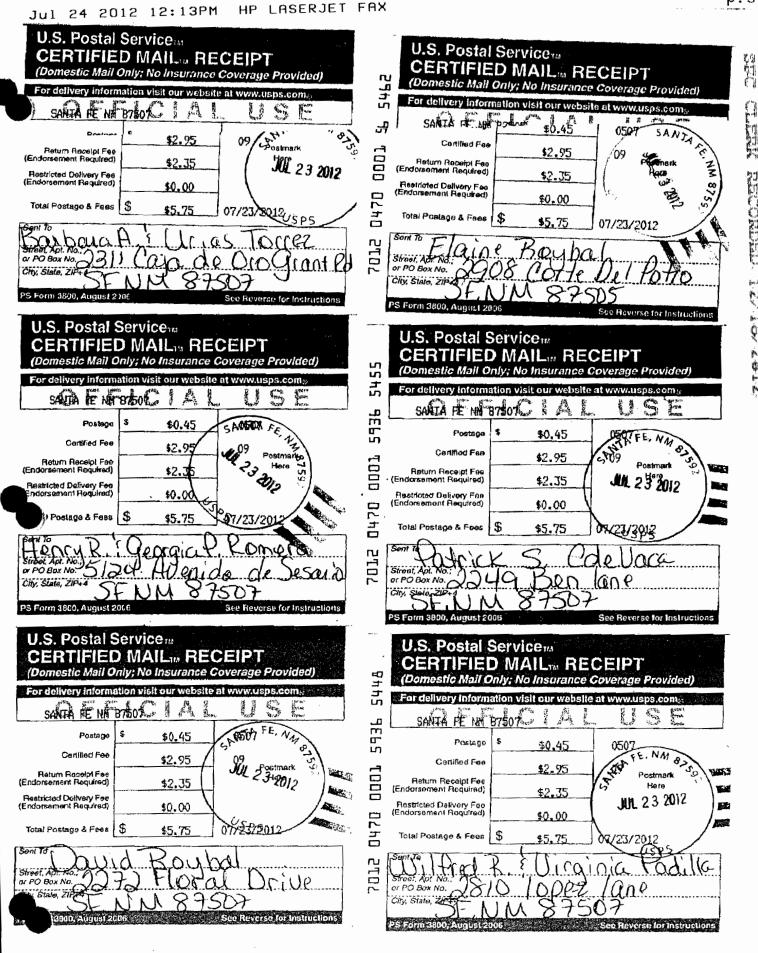
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Total:

Order stamps at usps.com/shop or call 1-800-Stamp24. Go to usps.com/clicknship to print shipping labels with postage. For other information call 1-800-ASK-USPS.

Bill#: 1000302954457 Clerk:09

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Go to: https://postalexperience.com/Pos

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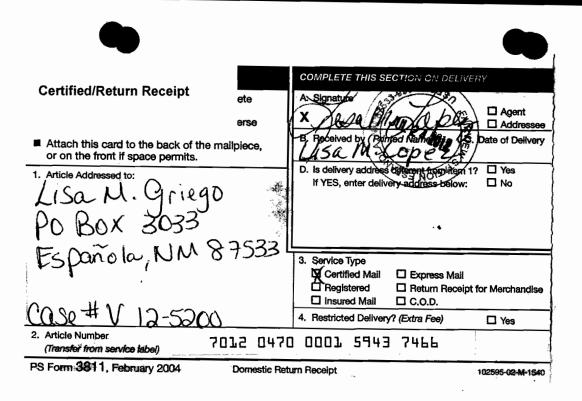
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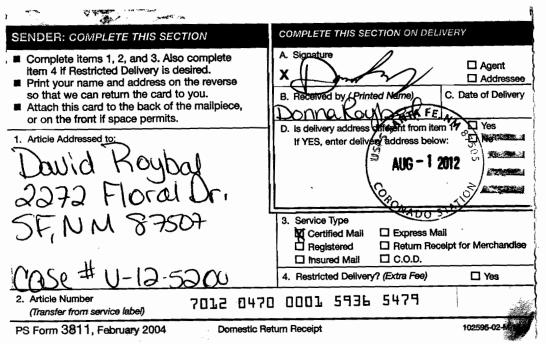
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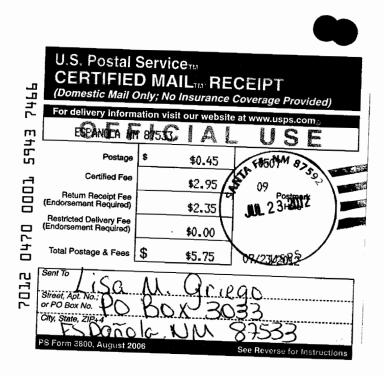
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CDRC Case # V12-5200 Ro	obert and Bernadette Anay	a Variance	Legals	Go!	
NOTICE OF PUBLIC HEAR	RING			e-	
			Other Options		
Notice is hereby given that a Robert and Bernadette Ana Agua Fria Zoning District), S Table), to allow a Towing Bu Table on 0.70 acres. The pr Traditional Community of A Range 9 East, (Commission	ya for a variance of Ordina Section 10.5 (Village of Agu usiness as a Special Use u roperty is located at 2253 B gua Fria, within Section 31	nce No. 2007-2 (Village of ua Fria Zoning District Use under the Zoning Use Ben Lane, within the	Watch This Ad Clip This Ad/ View Clip List Email to a Friend Report As Inappropriate ShareThis 🐠		
A public hearing will be held Fe County Courthouse, corr Mexico on the 14th day of A County Commissioners.	ner of Grant and Palace Av	venues, Santa Fe, New			
Please forward all comment Administration Office at 986		unty Land Use			
All interested parties will be taking action.	heard at the Public Hearin	g prior to the Commission			
All comments, question and County Land Use Administra Mexico 87504-0276; or pres	ator in writing to P.O. Box 2	276, Santa Fe, New			
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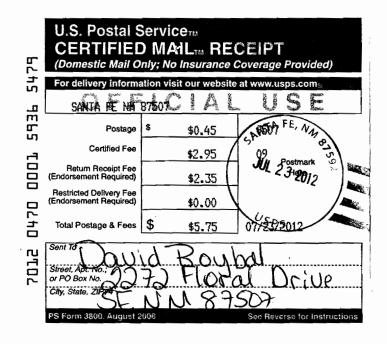


**PUBLIC NOTICE** Notice is hereby given that an application has been filed with Santa Fe County for A VARIANCE OF ORDINANCE NO. 2007-2 (VILLAGE OF AGUA FRIA ZONING DISTRICT), SECTION 10.5 (VILLAGE OF AGUA FRIA ZONING DISTRICT USE TABLE) TO ALLOW A TOWING BUSINESS AS A SPECIAL USE UNDER THE ZONING USE TABLE ON 0.70 ACRES Name of Applicant ROBERT AND BERNADETTE ANAYA Address of Request 2253 BEN LANE Legal Description: Section 31 Township 17 NORTH Range 9 EAST NMPM Santa Fe County, New Mexico. A PUBLIG HEARING will be held/made at the Old Santa Fe County Courthouse, corner of Palace and Grant Avenues, Santa Fe, New Mexico on/aller the 14th day of AUGUST, 2012, at 5:00 PM before the BOARD OF COUNTY COMMISSIONERS Further information can be obtained by contacting, the Land Use Department, P.O. Box 276, Santa Fe, NM 87504 Phone (505)986-6225. Development Permit # V12-507

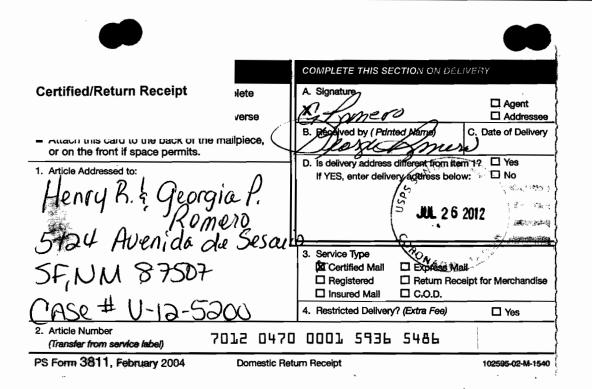








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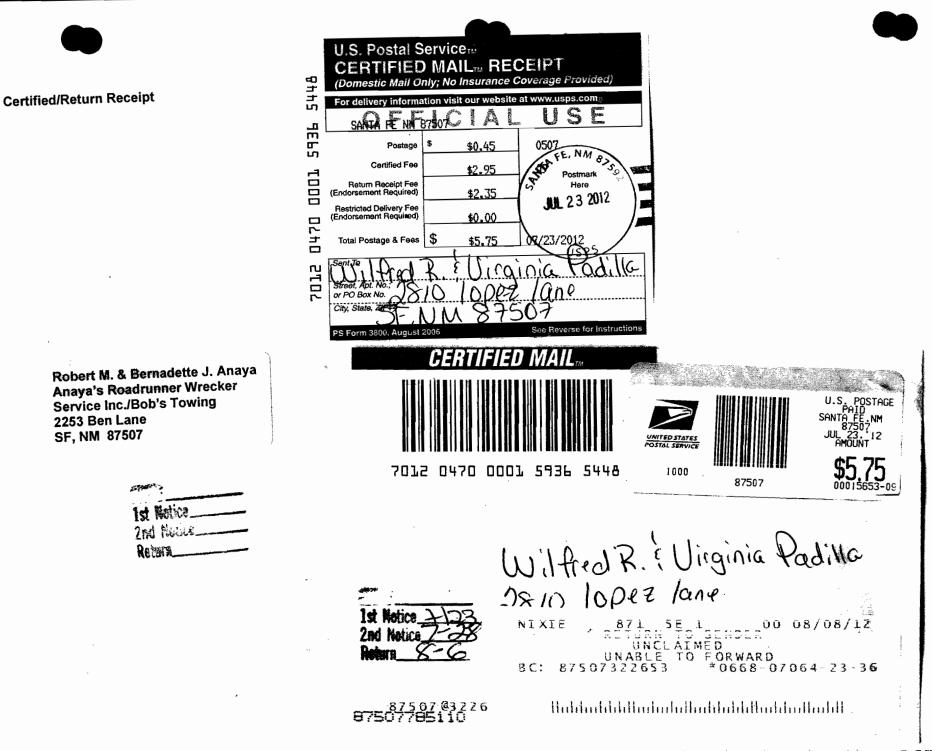


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<ul> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature X. Agent Addressee B. Received by (Printed Name) C. Date of Delivery C. Date of Delivery C. Date of Delivery C. Date of Delivery D. Is delivery address different from the form
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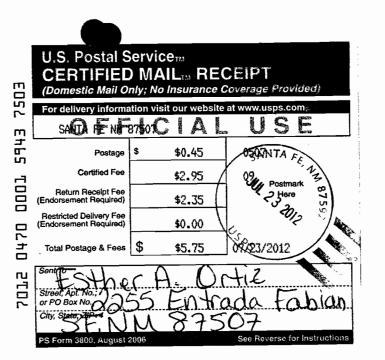




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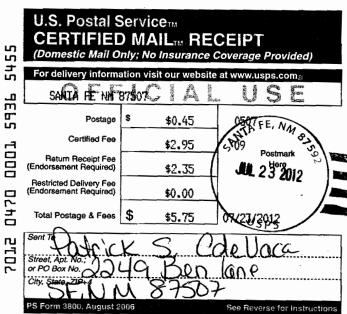


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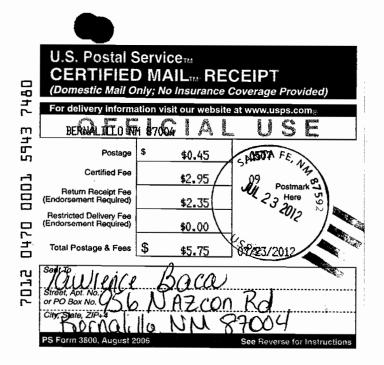
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#### August 15, 2012

## **Re: SUPPLEMENT TO LETTER OF REQUEST for Variances for Robert and Bernadette Anaya, 2253 Ben Lane, Santa Fe, New Mexico 87507**

To Board of County Commissioners ("BCC"):

In consideration of findings and discussion at the County Development Review Committee meeting on June 21, 2012, Robert and Bernadette Anaya, as residents of Agua Fria Village and as owners of Anaya's Roadrunner Wrecker Service ("ARWS") hereby submit to the BCC a supplement to their letter of request in the above-reference property.

Article III, Section 4.2.1.d.2 states: "Proposed mixed-use developments are allowed to locate anywhere in the County, except that the location of any specific commercial or industrial non-residential use area designated by such proposals shall be subject to the purposes and intent of Subsections 4.2.3 and 4.1."

This letter will serve two purposes: (1) to demonstrate that the Anayas' current use of the property is a permitted use, consistent with the character of the Agua Fria Community; (2) in the alternative the Anaya's current use of the property is a conditional use permitted by the Agua Fria Ordinance that would not require a variance; and (3) in the alternative, if it is determined that the Anayas' current use of their property does not fall within one of the conditional or special uses of the Agua Fria Ordinance, that the BCC grant the Anaya family a variance, modification or waiver of the requirements of the Code, in order to allow the Anayas to park their 8 tow vehicles at the back of their property.

Without a granting of this variance, the inability of the Anayas to park their tow vehicles at the back of their property will result in an arbitrary and unreasonable taking of property and will exact a hardship upon the Anayas and an unlawful taking, depriving the Anayas of due process and equal protection of the law.

Further, this letter of request will serve to demonstrate that the current use of the Anayas' property has not resulted and will not result in any conditions that are injurious to health or safety. *See* Article II, Section 3.1, Land Development Code.

#### A HISTORY of the Anaya's Business ("ARWS") inside Agua Fria Village Association:

The Anayas have been longstanding residents and small business owners of the Agua Fria Village at 2253 Ben Lane, Santa Fe, New Mexico. Mrs. Anaya's family has owned the property in question for 5 generations, and a majority of surrounding properties are, in fact, owned by the Anaya's family or extended family members who have witnessed the Anayas dutifully operate their tow truck business-which consists. in part, of parking their towing vehicles at the back of their property for decades, since 1989.

Robert Anaya has been a volunteer firefighter with the Agua Fria Fire Department for most of his adult life. For 5 of those years, he was fire chief of the Agua Fria Fire Department. He and his wife,

Bernadette, have received numerous awards of excellence for their community work in the Village. In fact, they, at one time, housed the Agua Fria Fire Department Fire Truck at their residence.

#### **Emergency Response Concerns:**

The Anayas' family towing business has created many relationships with local and state emergency responders over the years as they stand ready to respond at any hour of the day or night to such community emergencies, including calls from New Mexico State Police Department, the Santa Fe Police Department, the Bureau of Indian Affairs, the NM Department of Transportation, Tesuque Tribal and other governmental organizations. *See* List of References for Anaya's Towing Services provided to governmental facilities, at Tab 2. *See also* Professional Services Agreement between Anaya's Roadrunner Wrecker and Towing Services for Santa Fe County DWI Seizure Lot, at Tab 2; *See also*, Letter from Department of Public Safety, confirming tow log with New Mexico State Police, at Tab 2.

It is necessary that the Anayas be permitted to continue to park tow vehicles at the back of their property, as they have done since 1989, in order to be able to respond to any emergency call in a timely fashion. Should the Anayas store their tow trucks off-site, at their designated impound lot off of Industrial Road in Santa Fe, the time it takes to travel to retrieve these towing vehicles could mean the difference between whether or not a life is saved or important government property is preserved. Regularly, the Anayas are called by emergency responders who have no other tow company alternative, due to Anaya's range of towing options. Without the Anaya's presence in Agua Fria Village these emergency responder could not get to victims or those in exigent and dire circumstance without the assistance of the Anaya's tow trucks, specifically. The Anayas are the only tow truck company in Northern New Mexico that is able to tow very heavy loads. This came into play recently when the Anayas were called in the middle of the night by emergency dispatch in Northern New Mexico (4 hours away from Santa Fe) because there were no other towing services that would be able to handle moving a large wrecked semi-truck off of a major highway.

The ability of a towing service, which has written and verbal agreements with several governmental agencies as do the Anayas, to respond quickly to emergencies (within 30 minutes), *is a public interest concern.* 

#### Taking of Property and Violation of Equal Protection and Due Process:

Further, to find a site to lease and park most of these 8 towing vehicles off-site from their property would be prohibitively expensive, and would effectively destroy their ability to make a living in the tow truck business after over 20 years of service.

Further, to start their business in a new place, the Anayas would have an even more difficult time attempting to get a variance because then they would not be faced with a situation where the use could be deemed permissible and this would effectively shut their business down.

Due to the determinations made by AFVA and the allowances of variance made for other similar businesses in the Agua Fria Village, should the County not consider the Anayas' use permissible or conditional and should the County not grant a variance in this case, this would effectively be an arbitrary denial of equal by treating the Anayas differently from similarly situated individuals. Also, this differential treatment would have no rational basis as the Anayas have been using their property without an issue for over two decades and have no current proposed additional development.

When discretionary decision making is exercised arbitrarily, there is an abuse of discretion that may amount to a constitutional violation in the form of substantive due process. The Fourteenth Amendment imposes substantive and procedural requirements when a government action deprives any person of life, liberty or property without due process of law.

Further, should this variance be denied, the Anayas will effectively be out of business. The Anayas have many contracts, both with governmental enforcement agencies and other private parties that would be nullified by this denial. This is a denial of a fundamental right to make a livelihood and the right of contract for personal employment. *Coppage v. Kansas*, 236 U.S. 1, 14, 35 S.Ct. 240 (1915).

"Nothing is more clearly settled that it is beyond the power of a state under the guise of protecting the public arbitrarily to interfere with private business or prohibit lawful occupations or impose unreasonable and unnecessary restrictions upon them." *New State Ice Co. v. Liebmann,* 285 U.S. 262, 52 S. Ct. 371 (1932).

"The Right to hold specific private employment and to follow a chosen profession free from unreasonable government interference comes within the 'liberty and property' concepts of the Fifth Amendment." *Greene v. McElroy*, 360 U.S. 474, 492, 79 S.Ct. 1400 (1959).

The Anayas must emphasize that this letter of request IN NO WAY involves a request that the subject property be utilized as an "impound lot" or "a lot for storing vehicles." The Anayas utilize an impound lot located away from their property to provide temporary storage for all vehicles that have been towed.

Further, in support of this letter of intent and request:

1. The parking of 8 tow vehicles on the subject property is consistent with the character of Agua Fria Village and is a permitted use within Agua Fria Village Association (AFVA). Therefore a variance is unnecessary.

Section 10.1 states that "The Santa Fe County Land Development Code, Ordinance 1996-10 (as amended) shall be applicable to all property within the Village of Agua Fria Zoning District, except those specifically set forth in this Ordinance." Therefore, both the Land Development Code and the Ordinance governing the Village of Agua Fria Zoning District are applicable. In a September 2007 County Regional Planning Authority Comparison of Zoning District Designations, Agua Fria Village is labeled, in part, as a "mixed use center" and "high intensity commercial" and "community commercial". **Exhibit A.** Inside the Agua Fria Village Community Plan, of which the Anayas were part of developing, it states that Commercial/Mixed-Use Zoning Districts are allowed to be located throughout the Village. AFV Community Plan, Page 9, **Exhibit B**.

The Anayas are very much a part of "the traditional and contemporary community" of the Agua Fria Zoning District and have been a part of it for 5 generations. Their children and their children's children now live on the property and so the Anayas will continue to be a part of this community for future generations.

As William Mee, President of AFVA states in his letter, "…parking Anaya's Roadrunner Wrecker Service towing vehicles as they have been parking them consistent with running their business at 2253 Ben Lane, Santa Fe, NM, is not inconsistent with the character of Agua Fria Village, as there are many mixed-use family-run businesses within the village." *See* letter of AFVA at Tab 6. Further, any objections to the Anaya's towing business should have been made when the Agua Fria Village Community Planning process was occurring, from 2003-2006. As Mr. Mee states, "during this process it would have been reasonable to discuss an objection to the Anaya's Roadrunner Wrecker Service land use as being incompatible with the residential land uses around it. However, I recall no such objections or protests." Mee Letter at Tab 6. Neither the Romeros, nor anyone else who currently stands in opposition to the Anaya's towing vehicles ever made objections during this time, even though they were residents of Agua Fria Village during this time and could have easily voiced an objection. They should now be estopped from making such objections after over two decades of the Anayas parking their towing vehicles at their residence and dispatching said vehicles from inside their home.

Further, previous failure to object proves that their current objections are based upon malice, retribution and personal bias.

#### 2. <u>The Anaya's Use of the Property is Consistent with the Santa Fe County's Sustainable</u> <u>Growth Management Plan:</u>

This mixed-use case is not out of character with Santa Fe County's Sustainable Growth Management Plan. According to the Santa Fe County Sustainable Growth Management Plan, adopted by the County, "...compact, mixed-use developments served by adequate facilities are a priority. SF County Sustainable Growth Management Plan, 2.2.4, Future Land Use.

Section 2.2.4.1 of this Plan states that "Mixed use allows for development to provide for a variety of uses within traditional neighborhood and village type settings. Mixed uses bring flexibility into the development process, deviating from the typical single-use categories of future land uses or zoning districts to combine compatible uses in planned ways." "Mixed use development is integral to achieving appropriate land use and transportation goals and objectives." Goal 7 of this Plan, under Policy 7.4 it states that the goal is to "allow mixed-use development..." The Anayas use of their property fits squarely within the intentions of this Plan.

The Village of Agua Fria Zoning District is intended, in part, "to implement the planning policies of the Growth Management Plan's 'Traditional and Contemporary Communities' land use designation." *See* Ordinance No. 2007-2, Section 10.3. Residents of the AFVA are committed to maintaining their traditional way of life and protecting their independence from Santa Fe. As the AFVA states in its blog, "There is a need to better understand traditional communities and rural areas and the slow steady growth they have as each generation comes of age and want to 'do their own thing.'" Exhibit C. Further, traditional communities, such as Agua Fria Village, are based on three main elements: centralized purpose; cultural functions; and mixed uses. *See* AFVA blog, page 5, Exhibit C. Also, AFVA states that "traditional communities are an economic base for Santa Fe County and they have sustainable qualities that endure economic recession." Page 10, Exhibit C. This rings true for the Anayas-as their towing business is not necessarily dependent on a good economy, and they are a local business in every sense of the word. The County should, in the interest of upholding its Plan, support such mixed-use residential businesses in the community.

"Residents have extended families to provide no or low cost child care and supervision. Many residents are from multi-generational families that have been on their land for years..."*Id.* A goal of the AFVA is to "pursue a diverse and sustainable local economy for traditional communities that integrates environmental and community needs *and supports the local workforce* and provides new opportunities for local employers and residents. The Anayas are exactly the type of family and

business discussed in the AFVA blog and for whom this goal was created. They are generational residents of Agua Fria Village, small business owners who provide child care to their family members from inside their home, while running their business. They also provide multiple family members with employment opportunities. They are the quintessential Agua Fria Village family business.

The Agua Fria Development Review Committee would normally be the proper authority to bring this issue to, in order to review whether there is permitted use. At the current time, the AFDRC is "on hold" according to meeting minutes from the Agua Fria Village Association meeting minutes, from April 2, 2012, attached as **Exhibit D**. However, in these meeting minutes, it clearly states that Agua Fria Village Association will be taking on the role of AFDRS. **Exhibit D**. These meeting minutes state that "AFVA continued in our function as a "development review" authority for the Traditional Historic Community (THC) area. The AFVA has claimed the right to represent the THC area by writing to Santa Fe County's Land Use Administrator. This oversight has become more important as the Agua Fria Development Review Committee (AFDRC) has been put '*on hold*'." **These minutes also state that "AFVA took on the new role of planning for the THC area.**" This means that if development is reviewed and approved by the AFVA, then conditional, mixed-uses become permissible uses.

These minutes clearly demonstrates that the AFVA, standing in place of the AFDRC has previously approved all of Anaya's business uses of their property as a mixed use. Therefore, a variance is not required to continue this permitted use of their property for parking their vehicles and taking calls for their business

In a letter from William Me, President of AFVA, Mr. Mee states that "Also during the (community planning) process, a number of businesses which had industrial land uses not compatible with residential land uses were "grandfathered" in (such as Anaya's Wreeking, L&L Portable Toilets, Montano Sand & Gravel, Cassidy's Landscaping, Lujan's Paint and Body, etc.)" Tab 6. According to the AFVA, the Anayas Wreeker business has been grandfathered in along with the many other businesses-so many that he did not even begin to list all of the businesses that are within the AFV. At the very least, this letter and the precedent set demonstrates that AFVA sees the Anayas use of their property as a permissible use.

As the Anayas are not requesting and "development" and are only requesting that they continue to be able to park their towing vehicles at the back of their property in between calls, there is no further development that would need to be approved. The current usage of vehicles existed during these planning meetings of 2004-2006, and the Anayas' use of the property was so approved by AFVA and also through acknowledgement of this in Mr. Mee's letter. The County's Plan also states that the County will "honor existing community plans and ordinances and support community planning.(1.4.3.1.2). In this vein, the County should honor the process and procedures that have already occurred and take into account the fact the Anayas were an integral part of the AFVA development process, and as such, there were no objections to their business. The County should support the AFVA in its development and findings.

Further, pursuant to the SF County Sustainable Growth Management Plan of which Agua Fria Association was a part, this plan states that the growth management strategy should "continue to protect and create central, mixed use places in community settings. Real desired places that have 'centeredness' allow for focused economic, institutional, social and functional opportunities. SF

County Sustainability Plan, 1.3.1. The Anaya's business is exactly the type of small mixed-use business this section intends to protect. The Plan also states that the County should "develop target industries that support a living wage and a high quality work environment" (1.4.2.2.1) and "support regional partnerships that develop community-based economic enterprises" (1.4.2.2.2). The Plan also states that the County should develop "land use policies that support a healthy, diverse, and sustainable local and regional economy." Plan, 1.3.3.c.

3. <u>Should the BCC find that Anayas current and past use of the property is not permissible use</u>, the BCC should find that it is a Conditional Use, which is allowed if a Development Plan is reviewed and approved by the Agua Fria Development Review Committee (AFDRC), or its current alternative AFVA .*See* Santa County Ordinance No. 2007-2, Sec. 10.5..

Parking 8 tow vehicles at the back of Anaya's property as they have for over two decades may fall under the conditional and allowable use of "Vehicle Sales And Service: Vehicle service, general.

The parking of 8 tow vehicles would fall under the category of vehicle services for the following reasons: these towing vehicles are in the business of on-call dispatch to respond to emergency and non-emergency requests for vehicle tows either to impound lots or to service centers. The towing business is an integral part of vehicle service, in general.

4. <u>Should AFDRC and/or CDRC find that the storing of 8 tow vehicles on the Anaya's property is not a conditional or specific use allowable under the Ordinance, the Anaya's hereby request that variance of the Ordinance and/or Code be reviewed and approved, pursuant to all reasons stated heretofor.</u>

The proposed and requested variance for commercial activities would, in no way, increase the intrusion upon the existing, surrounding properties. There is no "further development" that would be planned. No structures are to be constructed; no new business is to be conducted. The only vital part of this variance request would be to allow the Anayas to park up to 8 tow vehicles at the back of their property. This would be the maximum number of tow vehicles that would be parked on the Anayas' property at any given time. However, most of the time, only half of this number would actually be parked on the subject property, as most often these tow vehicles are out on jobs and are utilized daily (off-site).

The Land Use Development Code does not specify a maximum amount of commercial vehicles that can be on the property at any given time, so, on its face, there is no specific violation of the Code. This then turns to the procedure developed out of the Code. However, the first rule is that the plain language of a statute is the primary indicator of legislative intent. *See San Pedro Neighborhood v. Board of County Commissioners of Santa Fe County*, 206 P.3d 1011, 2009 NMCA 45, 146 N.M. 106 (N.M. App., 2009). The court will not read into a statute or ordinance language which is not there, particularly if it makes sense as written. *Id.* 

Further, looking at the purpose of the Ordinance in question, to preserve the traditional and contemporary community of Agua Fria Village, putting the Anayas out of business would run counter to preserving the traditional and contemporary community, of which the Anayas are an

integral part. The Anayas' towing service serves to keep our community safe, and a majority of their neighbors value them as essential residents and business owners of Agua Fria Village.

Multiple factors may be considered in deciding whether to grant a variance, "including the economic detriment to the applicant if the variance was denied, the financial hardship created by any work necessary to come into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood." *Hertzberg v. Zoning Bd. Of Pittsburgh,* 554 Pa. 249, 721 A.2d 43 (1998), at 50. Relying on these factors, there would be significant cost and economic detriment to the Anayas if they are forced to park their towing vehicles off of their property.

Further, even without the clear approval of the AFVA, the characteristics of the surrounding area make it appropriate for the Anayas to continue to park their tow vehicles on their property. For example, the Anayas' neighbors conduct multiple commercial businesses of mixed use, with heavy traffic, and industrial, mixed uses, including, 33 different businesses (Tab 5), many of them with more heavy uses than the Anayas engage in:

- (1) The Rodriguez Brothers' Sand and Gravel Business-which utilizes multiple large commercial trucks to tow and store sand and gravel
- (2) The Padillas Commercial Business Lot-which utilizes multiple large commercial buses daily with contant shuttling in and out of their property
- (3) Padilla's Quality Towing
- (4) 24/7 Towing
- (5) Flores Five Star Wrecker Service
- (6) Will and Virginia Padillas Bingo Busses
- (7) Montano Sand and Gravel
- (8) Ce de Baca's Mechanic Business, L & G Automotive-which parks dozens of vehicles on its property for repair and maintenance, including larger vehicles
- (9) Ramon's Gas and Diesel

These commercial businesses surround the Anayas' property and have, over time, evolved to alter the nature of the community in that particular area, making it an area filled with mixed use and commercial/industrial properties. The Anayas parking their tow trucks at their property would be one of the more minimal mixed-uses in their immediate community. In the County's plan, it states that the County "support contemporary communities and their evolving neighborhoods." (Plan 1.4.3.3.4) and support "self-determination and self-sufficiency in all communities." (1.4.3.4.4).

Further, in order to access the Anayas' property, one must drive down a long driveway accessible only from Agua Fria. You cannot remotely see where the Anayas park their vehicles from Agua Fria Street. It is also a flat piece of land. It is a unique piece of land in the fact that the road the tow trucks use to get to the back of Anayas' property is lined with Anaya family members who have no issues with the Anayas' parking their vehicles at the back of the property. These neighbors are the only neighbors who would be affected by the traffic of the Anayas' tow trucks.

The Romeros, who are the ones who brought the complaint against the Anayas, utilize a completely different road to access their house and cannot see any vehicle enter or exit the Anayas property, so this activity does not affect the Romeros or their property in any way. Others that have stepped forward to oppose the Anayas are property owners of AFVA, but do not live near the Anayas, either renting out their properties, or having no structures on their properties whatsoever.

Granting this variance would result in a net public benefit. Benefit to the public is another factor that may be considered in the granting of a variance. Kenneth II. Young, *3 Anderson's Am. Law of Zoning* § 20.52, at 597 (4th ed.1996). The ability for the Anayas to continue to park their emergency dispatch tow vehicles on their property would continue to support and improve safety, economic development, and quality of life, through necessary and enhanced tow services.

The Code provides that a variance may be granted if there is sufficient evidence that the variance "will not result in conditions injurious to health or safety." In this case, the Anayas have parked their vehicles at the back of their property for over two decades and it has never resulted in any single condition that has been injurious to health or safety of the residents or surrounding community. The variance will not authorize activities in any other zone or district, but only on the back of Anaya's property, which is in no way visible from any roadway, including Agua Fria.

- 5. The Agency's recommendations that the entrance to Ben's Lane does not meet fire code and the only option is for the Anayas to give up land for a hammer head, are not accurate. The Hammer Head Option is not required and should be the last alternative considered:
- A. Ben's Lane meets all requirements and is up to Code: it is clear from the photos that Ben's Lane meets the requirements of a 20-foot entrance. Further, access does in fact meet the reuired 28 foot radius. See Photos, Tab 11. (Fire Trucks and measurements)

There is sufficient room for a fire truck to turn-around at the back of the Anayas' property; therefore this area does not have to be designated for such. It might be different if the land were uneven, but the land is flat and is disturbed-it has been driven on, and there is plenty of room for a fire truck to negotiate a turn. See Photos at Tab 11.

Designating a hammer head for a fire truck would deprive the Anayas of important property that they use to park personal vehicles. Further, the Anayas do not want to designate a certain spot for a hammer head because it blocks future development for all future generations, especially if the Anayas ultimately move their business.

#### B. Fire Hydrant/ Fire Flush:

The quickest way to resolve this issue is to replace the flush hydrant on Ben's Lane with a real fire hydrant. This would make it unnecessary to designate land for a hammer head and make it unnecessary to re-open the utility easement for access. Having a fire hydrant on Ben's lane

would solve all such problems. This is a cost-effective, non-invasive solution and should be the first to be considered by the County in its assessment of this situation.

If a fire hydrant is installed where the current fire flush is located, there would be no need for larger fire trucks to have to navigate into Ben's Lane. Further, it would cause all neighbors' homeowners' insurance rates to go down. It is a safety measure that can only be good for the entirety of Ben's Lane. If this were the case, then the easement, which was closed off without going through the proper channels to vacate this easement would not have to be re-opened, and so no landowner would have to give up land.

Currently, there is sufficient room for even a large fire truck to navigate a turn-around at the back of the Anayas' property-as that property remains open and does not have to be designated. However, installing a fire hydrant would assuage all concerns the County and Fire Department might have.

#### C. Utility Easement

There are no vacations of easements recorded with the County on this property. Therefore, the utility easement still exists and the Romeros are in violation of obstructing that easement with a wall and tructures. If there was no vacating of the easement and no permit from the County was received to build on the easement, then the County has engaged in an oversight that is incredibly detrimental to the Anayas and the consequence is a taking of property, forcing the recommendation of a hammer head, when the casement, should it have been maintained, would give ample room for the Fire Department to enter.

In fact, the existence of this easement, when the survey of the land was taken, was vital to dividing up the land and not creating a hammer head in the first place. This easement was also included in the consideration of fire department access.

If the BCC find that there must be a designated place for turn around, then the utility easement which was blocked through County oversight and mistake should be re-opened. When the survey was first made, this utility easement was the designated access for fire trucks. If this easement were still open and not blocked by the Romero's wall, there would be no need to designate a hammer head on the Anaya's property.

In order for an easement to be vacated, permission has to be granted by all affected owners. The Anayas were affected owners by the blocking of this easement, and now they are being asked to give up property, with or without the granting of this variance. There is no record anywhere that this easement was vacated, therefore it is not permissible.

6. As a last resort, the Anayas request that the BCC give them 5 years to wind up their affairs and move their business to another location. This will take time and money.

If the BCC resorts to this alternative, this is a taking of the Anayas property and the Anayas will have to resort to litigation to protect their constitutional rights.

The Anayas' current use of the property does not generate noise levels greater than would be expected for the surrounding mixed use area. Further, the use is not incompatible with the character of the surrounding area. The use requires no more parking than can be provided by existing parking on the site.

The variance will not authorize activities in any other zone or district, but only on the back of Anaya's property, which is in no way visible from any roadway, and plans no increased development.

Thank you for your consideration of this letter of support.

Sincerely,

Bernadette and Robert Anay

Signed by; Talia Kosh, Esq

Attorneys for Applicants 460 Saint Michaels Drive, Ste 703 Santa Fe, NM 87505 (505) 983-9834

# SANTA FE COUNTY

*Ordinance No. 2007 - 2* 

AN ORDINANCE AMENDING ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS, OF THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, AS AMENDED, TO ADD A NEW SECTION 10, <u>VILLAGE OF</u> <u>AGUA FRIA ZONING DISTRICT</u>

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SANTA FE COUNTY THAT THE SANTA FE COUNTY LAND DEVELOPMENT CODE, ORDINANCE 1996-10, ARTICLE XIV, TRADITIONAL AND CONTEMPORARY COMMUNITY ZONING DISTRICTS (AS AMENDED), IS HEREBY AMENDED TO ADD A NEW SECTION 10, AS FOLLOWS:

#### Sec. 10. VILLAGE OF AGUA FRIA ZONING DISTRICT

#### **10.1** Applicability of Ordinance

- A. This Ordinance applies within the territory identified in Section 10.2 herein. The Santa Fe County Land Development Code, Ordinance 1996-10,(as amended) (herein referred to as "the Code") shall be applicable to all property within the Village of Agua Fria Zoning District, except those specifically set forth in this Ordinance.
- **B.** This Ordinance shall apply to an existing approved master plan and shall apply to an application for approval of a master plan, preliminary development plan or preliminary plat.

#### **10.2** Location of Zoning District Boundaries

A. The Village of Agua Fria Zoning District consists of all property within the area described on the Village of Agua Fria Zoning District Map (Attachment A).

#### 10.3 Purpose

- A. The Village of Agua Fria Zoning District is intended to implement the planned land use goals, strategies and overall intent of the Village of Agua Fria Community Plan, Resolution 2006 116, adopted and approved by the Board of County Commissioners on June 11, 2006.
- B. The Village of Agua Fria Zoning District is intended, in part, to implement the planning policies of the Growth Management Plan's "Traditional and Contemporary Communities" land use designation.
- C. The Village of Agua Fria Zoning District Ordinance will be formally reviewed by a committee established by Santa Fe County Land Use Department at least once every five years. Santa Fe County Planning Division staff will provide support and help to coordinate the committee formation process. The review by the Agua Fria Committee may include recommendations to amend the plan and ordinance.



#### 10.4 Village of Agua Fria Zoning Subdistricts Established

The following Village of Agua Fria Zoning Subdistricts are hereby established and approved for use in the Village of Agua Fria Zoning District:

Village of Agua Fria Zoning Subdistricts
Agua Fria Low-Density Urban Zone (AFLDUZ)
Agua Fria Traditional Community Zoning District (AFTCZD)

#### 10.5 Village of Agua Fria Zoning District Use Table

A. Principal Uses

#### P Permitted Uses

A "P" indicates that a use is allowed by right in the subdistrict, in accordance with an administrative approval. Permitted uses are subject to all other applicable regulations of this Code. Application for a development permit is not required for agricultural, grazing and ranching uses as set forth in Article III, Section 1, Agriculture, Grazing and Ranching Uses.

### C Conditional Uses

A "C" indicates that a use is allowed only if a Development Plan is reviewed and approved by the Agua Fria Development Review Committee (AFDRC), County Development Review Committee (CDRC) or applicable Local Development Review Committee (LDRC), in accordance with the applicable procedures of this Code. Conditional Uses are subject to all other applicable regulations of this Code.

### S Special Uses

An "S" indicates that a use is allowed only if a Development Plan and Master Plan are reviewed and approved by the Board of County Commissioners, in accordance with the applicable procedures of this Code. Special Uses are subject to all other applicable regulations of this Code.

### **Uses Not Allowed**

A blank cell (one without a "P", "C" or "S") indicates that a use type is not allowed in the subdistrict.

### **Uses Not Listed**

B. Use Categories

(Section Reserved)

C. Accessory Uses

Accessory uses are subject to applicable provisions of the Code.

D. Temporary Uses

Temporary uses are subject to applicable provisions of the Code.

**Commentary:** Use Standards must meet requirements outlined in the Santa Fe County Land Development Code, as amended. The Use Table, below, is organized into 5 major use groups: Residential Use, Public, Civic and Institutional Use, Retail, Service and Commercial Use, Industrial Use, and Open Use. Each major use group is further divided into specific uses. The use category system is based on common functional, product or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
Residential Use (				
Household Living	All household living not listed below	P	rest of the second seco	
	Single-family dwellings and manufactured homes	Р	Р	
	Two-family dwellings (duplexes)	Р	Ρ	
	Multi-family dwellings	C	5	
	Manufactured home communities and subdivisions	C	S	
	Mobile homes	Р	P	
	Upper floor residential	Р	P	
Group Living	All group living not listed below	С	5	
	Community residential homes (6 or fewer residents)	P	Р	n na na sense na sense na sense de la sense na sel parte na se parte de sense na sense na se
	Community residential homes (7-14 residents)			a da ana ana ana ana ana ana ana ana ana
	Community residential homes (>14 residents)			and a second
	Family compounds	Р	Р	
Public, Civic, and	Institutional Use Categories			
Place of Worship	All places of worship	C	C	
Day Care	All day care not listed below (See also Sec. Accessory Home-based)	С	С	
	Day care (13 or more adults or children)	С	С	na na mana na mana ana ana ana ana ana a
Community Service	All community services not listed below	С	С	
	Community facilities	С	С	·····
	Libraries	С	С	
	Museums	С	C	
	Philanthropic institutions	C	C	and a second
	Senior centers	С	С	
Educational	All educational facilities not listed below	С	C	
Facilities	Elementary schools	С	С	
	Middle or high schools	С	С	
	Colleges or universities	5	S	
	Business and vocational schools	5	5	
Government	All government facilities not listed below	С	С	
Facilities	Emergency services	Р	Р	181
	Jail or prison	5		
	Post office	Ç	C	المراجع المهرب المراجع الم
Parks and Open	All parks and open space not listed below	C	C	State State
Spaces	Cemeteries, columbaria, mausoleums, memorial parks	с	C	
	Public parks	Р	P	

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Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
Passenger Terminal	All passenger terminals not listed below	5	5	
	Airports	nen anna de la companya de	<b>n hanna ha</b> nna da an	<ul> <li>A set of the second set of the second se Second second se Second second s</li></ul>
	Airports or heliports, private		- A set for a set of a second of a set of a set of a set of a set of a second of a set of	
Social Service Institutions	All social service institutions	5	S.	
Utilities	Utilities not listed below	C	ter C	and the second
	Major utilities	S	\$	
	Minor utilities	C	с С	
	Telecommunications facilities	C	с С	
Retail, Service a	nd Commercial Use Categories			
Entertainment Events, Major	All major entertainment events, not listed below			
	Fairgrounds	5	S	
Medical Services	All medical services not listed below	C	C	
	Hospitals	5	<b>5</b>	
	Medical and dental offices/clinics	С	¢	,
	Emergency medical offices	С	C	1.1.1.1
Office	All offices not listed below		in the second second	- Andrew State
	Offices (<5,000 square feet)	С	C	
	Offices (>5,000 to 50,000 square feet)			
	Office uses (>50,000 square feet)			
Parking, Commercial	All commercial parking lots and garages		S S	
Transient	All transient accommodations not listed below			
Accommodations	Inns and bed and breakfasts (<7 units)	C	C	1999 - 19
	Inns and bed and breakfasts (7-12 units)	C	C	
	Hotels and motels (>12 units)			¢ .
	Resorts (with or without conference centers)	5	5	· · ·
Indoor Recreation	All indoor recreation not listed below	S	5	2 Carlos
	Adult entertainment			
	Convention or conference center	S	S	
	Private clubs and lodges (not-for-profit)	S	5	
	Entertainment and recreation, indoor		5	
Outdoor Recreation	All outdoor recreation not listed below			
	Golf courses	S	S	
	Recreational uses, outdoor	С	C	
	Outfitter and guide services	S	C C	
	Racetracks, animal			-
	Racetracks, motorized			
	Recreational vehicle park/campground	С	C	
	Riding academies and public stables	S	С	

Jse Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
	Stadiums		alline, i mi nom in tanana kanana ka na na na manana kanana kasana kasalangan panamana manangan pad	<ul> <li>Schlassen (Schlassen (Schlassen</li></ul>
estaurants and	All restaurants and bars not listed below	na ha napapatera and a na n	en gen-inder in sollen ist, sollen ist sollen in <del>de sollen in de orderenden sollen in sollen en en gener solle</del>	
Bars	Restaurants (See also Home Restaurants)		С	
	Restaurant, serving beer, wine, or liquor		5	
	Taverns and bars			
Retail Sales and Service	All indoor retail sales and services not listed below			
	Art galleries or dealers	C	C	
	Appliance, bicycle, jewelry, shoe or watch repair		5	445 446 446 5 5 5 447 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	Convenience stores		5	
	Exercise or dance studios	an di ana ang ang ang ang ang ang ang ang ang	C	
	Farmers Markets	С	C	
	Gasoline and fuel sales		and a many second s	an di Barana di Maradi ya Angarana - 1994 -
	Greenhouses or nursery, retail	C	C	 
	Liquor stores	an ann an	พะพ	
	Outdoor markets	R 1.04		
	Personal service establishments	C	5	and the second second
	Retail establishments, indoor <5,000sf		S	
	Retail establishments, indoor >5,000sf to 50,000sf		an a	
	Retail establishments, indoor >50,000			
	Vehicle parts and accessories			
	Video and DVD rental establishments	c	С	
/ehicle Sales and	Vehicle sales and service not listed below			
Service	Vehicle service, general		C	
	Vehicle service, intensive			,
	Vehicle sales and leasing		· · · · ·	
storage	Storage not listed below			
	Mini-storage units		С	 
ndustrial Use C	ategories			
ndustrial Sales and	Industrial sales and service not listed below	a ang ang ang ang ang ang ang ang ang an	<b>S</b>	
iervice	Arts and Crafts			i s'
	Manufactured home sales and service			, 
	Building and Landscaping	S	C	•
	Woodworking, including cabinet makers and furniture manufacturing	S	С	
Warehouse and Freight Movement	Warehouse and freight movement not listed below		5	
	Transport and shipping			

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Use Categories	Specific Uses	Agua Fria Low-Density Urban Zone (AFLDUZ)	Agua Fria Traditional Community Zoning District (AFTCZD)	Use Standards
	Outdoor storage yards		nen para na mana na mana mana mana mana mana	annan an a
Waste-related	Waste-related services not listed below			n and a surface state is boly addining and the addining time state on the state of the School
Services	Landfills			arran on an anna a bhain de seallacht a sua an
	Recycling facilities		n and the second s	a a second not no necessary probability of a second s
Wholesale Trade	Wholesale trade not listed below		C	
	Equipment rental			
	Mail-order houses	С	С	1 1 1 1
Heavy Industrial	All heavy industrial			en
Resource Extraction	All resource extraction not listed below			
	Mining and extractive uses			
	Sand and gravel operations	S		
Open Use Catego	nies			
Agriculture	All agriculture not listed below	Р	Р	- 44 i - 1
	Agriculture, grazing and ranching	Р	Р	
Agricultural	All agricultural business not listed below			
Business	Animal boarding or training (large animals)		C	
	Animal boarding, kennels, shelters (small animals)		5	
	Animal breeding (commercial) and development			
	Animal hospital or veterinarian (large animal)		5	
	Animal hospital or veterinarian (small animal)			
	Animal processing, packing, treating, and storage			
	Animal raising (commercial)		5	
	Dairy farm or milk processing plant, commercial			
	Greenhouse or nursery (wholesale)	C	5	
	Feed lot, commercial			
	Livestock auctions or stock yards			
	Livestock or poultry slaughtering or dressing			4
	Processing of food and related products		С	
	Retail Sales of farm equipment and supplies			226
	Packing house for fruits or vegetables		C	
	Tree or sod farm, retail or wholesale	С	S	.3 - ~

#### 10.6 Density and Dimensional Standards

The following table illustrates the dimensional standards that apply in the Village of Agua Fria Zoning District. Measurements and exceptions to the standards of this schedule are listed in the table notes.

Commentary: The density and dimensional standards set forth in this section are not a guarantee that stated development density and intensities can be attained. Other factors-water and other public facility availability, infrastructure capacity, building layout, physical limitations, and parking configuration to name a few-may have the effect of limiting development intensity more than the stated standards.

Base     Max. Coverage     Max. Height (ft)     Min. Setbacks (f       Intensity     Community Services     (%)     (%)     (2)	Sub districts	Res	Res Uses	Long Term	and received the	14.4.14		Residential Uses	uses	II Ur SF	認知られは知道部門	Non Res	Street	Interior Side	
Density/ Max, Coverage, Max, Height (ft) Min. Setbacks (f	Charles 1	Inte			Comm	unity Se	ervices	(%) **********		Resid	ential	1. 1	Front &	(2)	
		Den	sity/				2101023 0.0823	Col 34 March 1 Had	Plain Inches 198	Max	e, Heij	gitt (ft)	Min. S	etbacks	·(†1

#### Note

(1) Where adequate water is available, minimum lot area may be reduced by employing water conservation measures and reducing water use. Further reductions may be achieved by submitting proof of adequate long term water availability, connecting to community water, community sewer or both (W&S), all in accordance with Article III, Section 10, Lot Size Requirements of the Code or, such additional density bonus and lot size provisions of County Ordinance 2006-02, Affordable Housing.

(2) Setbacks shall be measured from the property line or from the edge of the road easement where the property line is inside the road easement.

#### **10.7** Supplemental Use Regulations

The following standards shall apply to all new development in the Village of Agua Fria Zoning District:

- A. Preservation of Community Character
  - 1. Clustering of structures is encouraged to preserve natural open areas; and
  - 2. Developments must preserve distinctive natural features such as the Santa Fe River, and primary open space corridors.
- B. Non-Residential Standards
  - Maximum Square Footage Non-residential development may not exceed 5,000 square feet, with the exception of small grocery stores, which may request up to 10,000 square feet.
  - Setbacks Non-residential developments shall be set back no less than 25 feet from the property line of existing residential properties.
  - 3. Parking No parking may be provided within 5 feet of property lines.
- C. Home Business

Home businesses, including but not limited to, retail shops, galleries, offices or restaurants, may be allowed as accessory uses to single-family dwellings and are a conditional use subject to the approval of a conditional use permit. A home business shall comply with the following:

- 1. A Site Development Plan is required.
- 2. Not more than 2,500 square feet shall be dedicated to the home business use.
- 3. The owner of the business shall reside on-site.
- 4. No more than 6 persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home business.
- 5. The business shall not be disruptive of the residential character of the neighborhood.
- 6. All outdoor storage shall be screened and there shall be no more than 1,000 square feet of such storage related to the home business.
- 7. Home businesses may have a maximum of one sign.
- 8. No equipment or process shall be used that significantly interferes with the existing use of property in the adjacent area.
- 9. The business shall not create any disturbing or offensive activity, noise, vibration, smoke, dust, odor, heat, glare, or other unhealthy or unsightly condition.
- 10. The home business shall not create a traffic or parking problem.
- 11. Off-street parking shall be required for employees, customers, and clients of the home business.

#### D. Home Restaurants

Home Restaurants shall be permitted but shall comply with the requirements outlined in this Ordinance in addition to the following:

- 1. Drive up or drive through shall not be allowed.
- 2. Liquor sales are prohibited.
- 3. Beer and wine sales are allowed provided that all applicable State requirements are met.

#### E. Nonconforming Uses

Notwithstanding the provisions of Article II, Section 4 or Article III, Section 4.2.4 of the Code, as amended, nonconforming legal uses which have previously been expanded under the Code shall not be allowed further expansion.

#### F. Additional requirements for all development

Requests for development shall be evaluated for compliance with all applicable provisions of the Code. Any conflicts between development requirements set forth in this ordinance and the Code shall be resolved in favor of the requirements of this ordinance.

#### 10.8 District Standards

- A. Water
  - All new residential land divisions and subdivisions using ground water from a domestic well shall limit water consumption to .25 acre-feet of water per year per dwelling unit and appropriate restrictions to this effect shall be imposed during the approval process.
- B. Wastewater
  - 1. Existing residential or non-residential uses whose parcel boundary is within 200 feet of a public sanitary sewer line that can be accessed by gravity flow shall connect to that line.
  - 2. When property in the planning area is divided, whether by rezoning, variance, family transfer or otherwise, the applicant shall furnish complete and accurate documentation to the County that demonstrates that facilities are in compliance with all New Mexico Environment Department regulations and that all necessary permits have been obtained.

#### **10.9** Special Community Notice and Procedural Requirements

A. Posting

In addition to County Code requirements, notice of pending applications for land divisions, family transfers, subdivisions, rezoning, home businesses, non-residential uses or other applications requiring committee review, shall be prominently posted and maintained in a manner most visible to community and adjacent neighbors.

#### B. Pre-application Review

In addition to County Code requirements, applicants for any subdivision with 5 or more lots, or non-residential development shall hold a pre-application meeting in the community to present the development concept and gather public comments and concerns about the development.

- The applicant shall publish notice of the time, place and purpose of the meeting in a newspaper of general circulation in the community and shall mail notice to neighborhood organizations within the Village of Agua Fria that are on the list of neighborhood associations maintained by the Santa Fe County Land Use Department, and to all property owners within 100 feet (excluding rights-of-way) of the subject property. The property shall be posted as set forth above.
- 2. The applicant shall record the meeting proceedings and submit a written record to the County along with the application for development.

PASSED, ADOPTED AND APPROVED this 3 day of 2007, by the Santa Fe County Board of County Commissioners.

Virginia Vigil, Chairwoman ľ

ATTEST Valerie Espinoza, County Clerk

APPROVED AS TO LEGAL FORM:

#### Stephen C. Ross, County Attorney

#### CERTIFICATE OF FILING

I, Valerie Espinoza, County Clerk, do hereby certify that the foregoing ordinance, designated as Ordinance, No. 2007 - 2, was filed in my office on the  $5^{\frac{14}{2}}$  day of March, 2007, in Ordinance, No. 2007 - 2 Instrument No. 1477 602

SANTA FE COUNTY CLERK VALERIE ESPINOZA

SAH

COUNTY OF SANTA FE STATE OF NEW MEXICO

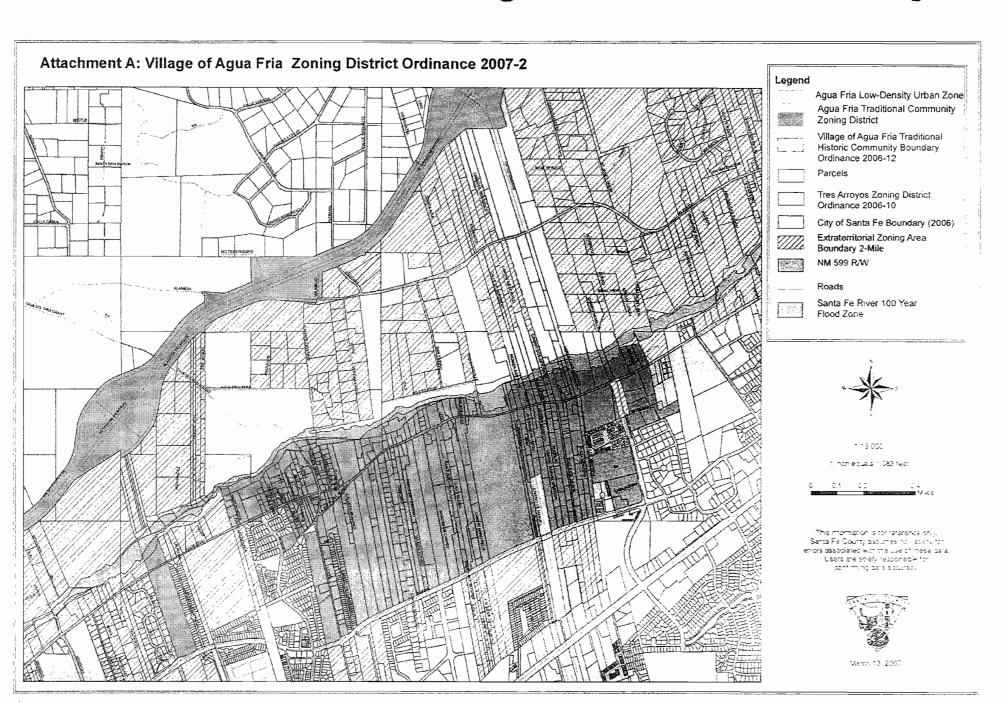
BCC ORDINANCE PACES: 11

I Hereby Certify That This Instrument Was Filed for Record On The STH Day Of April, A D., 2007 at 08.29 And Was Duly Recorded as Instrument # 1477602 Of The Records Of Santa Fe County

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Hand And Seal Of Office þs. Dr Valerie Espinoza unty Clerk, Santa Fe, NM





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## SANTA FE CITY AND COUNTY REGIONAL PLANNING AUTHORITY COMPARISON OF ZONING DISTRICT DESIGNATIONS SEPTEMBER 2007

ANNEXATION AREA	RPA LAND USE PLAN	SOUTHWEST AREA MASTER PLAN	EXTERRITIORIAL ZONING ORDINANCE	CITY GENERAL PLAN	EXISTING LAND USE
1A - West Alameda/Calle Nopal	Rural Residential Traditional Residential Urban Residential	Greater Agua Fria	Urban Area (2DU/A with water and sewer) Commercial Nodes	Agua Fria Area	Rural Residential
1B - North of Agua Fria Village - West Alameda	Traditional Residential	Greater Agua Fria	Urban Area (2DU/A with water and sewer) Commercial Nodes	Agua Fria Area	Mixed Use Rural Residential
2 - West Alameda - North of Santa Fe River	Urban Residential, Multi Family Residential High Intensity Commercial	Residential Very Low Density (1-3 DU/A) Residential Low Density (3-7 DU/A) Institutional High Intensity Commercial	Urban Area (2DU/A with water and sewer) Commercial Nodes	Agua Fria Area	Vacant Institutional Mobile Home Park Mining (Sand and Gravel)
3 – South of Agua Fria Village between Cernilos Road and Rufina	Urban Residential Mixed Use Center High Intensity Commercial	Residential Low Density (1-3 DU/A) Mixed Use Traditional Community Commercial	Urban Area (2DU/A with water and sewer) Commercial Nodes	Low Density Residential (3-7 DU/A) Medium Density Residential (7- 12 DU/A) High Density Residential (12-29 DU/A) Institutional Transitional Mixed Use	Vacant Mixed Use Rural Residential
				Community Commercial	
4 North of Airport Road	Urban Residential Multifamily Residential Mixed Use Center Employment Center	Residential Low Density (1-3 D/A) Residential Medium Density (7-12 DU/A) Residential High Density (12-29 DU/A) Mixed Use Traditional Institutional Community Commercial	Urban Area (2DU/A with water and sewer) Commercial Nodes	Agua Fria Arca	Rural Residential Medium Density Residential Multi-family Mobile Home Parks Industrial Mixed Use
		Parks Industrial Office			Institutional Neighborhood Commercial
5 South of Airport Road	Urban Residential Multifamily Residential Mixed Use Centers Employment Center	Residential Low Density (1-3 D/A) Residential Medium Density (7-12 DU/A) Residential High Density (12-29 DU/A) Mixed Use Traditional	Urban Area (2DU/A with water and sewer) Commercial Nodes	Very Low Density Residential (1-3 DU/A) Low Density Residential (3-7 DU/A)	Rural Residential Medium Density Residential Multi-family Mobile Home Parks
	- -	Institutional Community Commercial Perks Office	· · ·	Medium Density Residential (7- 12 DU/A) High Density Residential (12-29 DU/A) Institutional Community Commercial	Industrial Mixed Use Institutional Neighborhood Commercial
6- West of 599/CR56	High Intensity Industrial Employment Center	Industrial	Urban Area (2DU/A with water and sewer) Commercial Nodes	Industrial	Industrial Sand and Gravel Mining
7- Mutt Nelson Road/SR 599	Rural Residential, Urban Residential, Multifamily Residential, High Intensity Commercial	N/A	Basin Zone (2.5 DU/A)	Low Density Residential (3-7 DU/A) Medium Density Residential (7- 12 DU/A) High Density Residential (12-29 DU/A) Density Residential (12-29	Rural Residential Mixed Use Vacant
8- Ocate Road	Employment Center Multifamily Residential	Office Residential High Density (12-29 DU/A)	Urban Area( 2DU/A with water and sewer) Commercial Nodes	Business Park High Density Residential (12-29 DU/A) Business Park	Multi family residential Commercial

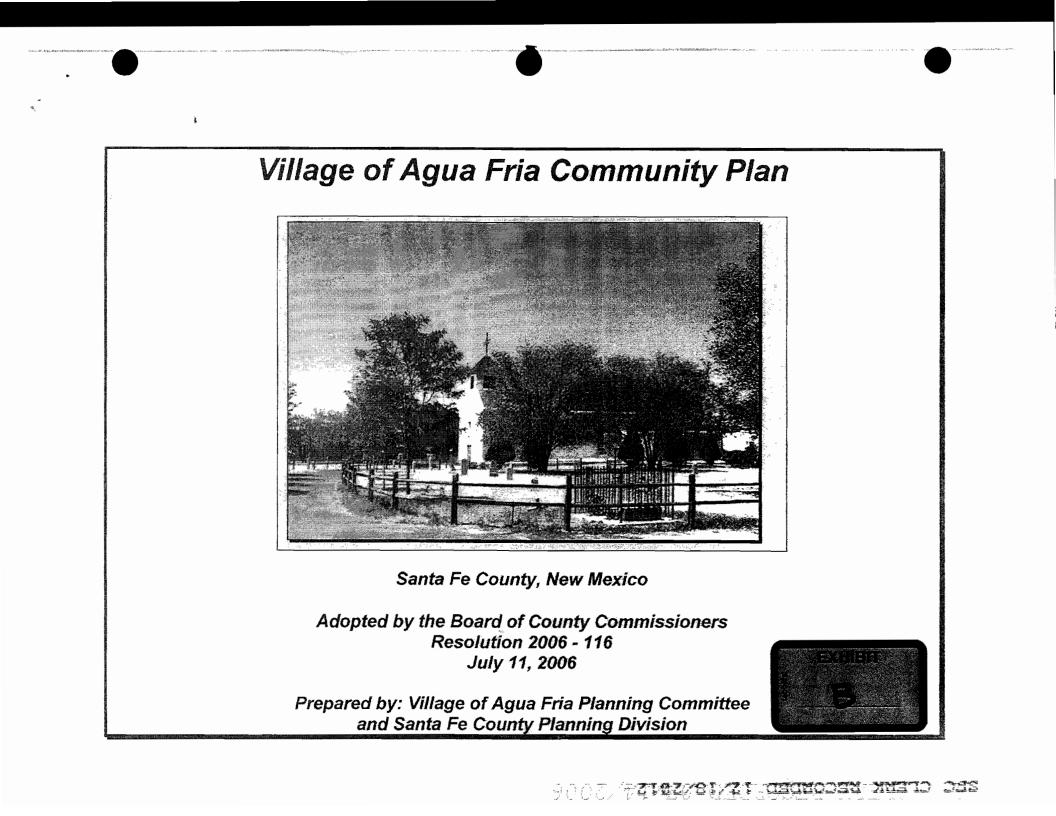
#### SANTA FE CITY AND COUNTY REGIONAL PLANNING AUTHORITY

COMPARISON OF ZONING DISTRICT DESIGNATIONS SEPTEMBER 2007

9- Santa Fe Factory Mall	High Intensity Commercial	N/A	Commercial Node Highway Corridor	Regional Commercial	Santa Fe Factory Mall
10- Las Solaras	ffigh Intensity Commercial Urban Residential Multifamily Residential Institutional Employment Center	N/A .	Village District Urban Area (2DU/A with water and sewer) Commercial Nodes	Low Density Residential (3-7 DU/A) Medium Density Residential (7- 12 DU/A) Iligh Density Residential (12-29 DU/A) Regional Commercial Business Park Institutional - Community Commercial	Vacant
11 Governor Miles Road	Urban Residential	Residential Low Density (3-7 DU/A)	Urban Area (2DU/A with water and sewer) Commercial Nodes	Low Density Residential (3-7 DU/A)	Rural Residentia:
12- South of Rodeo Road/Town and Country	Rural Residential	Residential Very Low Density (1-3 DU/A)	Urban Area (2DU/A with water and sewer) Commercial Nodes	Low Density Residential (3-7 DU/A) Institutional Community Commercial	Rural Residentia) Community Commercial
13 - East of Richards Avenue	Rural Residential, Institutional	N/A	Urban Area (2DU/A with water and sewer) Commercial Nodes	Institutional Community Conmercial	Rural Residential
14 - Rodeo Grounds	-	N/A	N/A	Park	County Fair Grounds
15 - 1-25 Corridor	Urban Residential	N/A	Highway Corridor	Highway Corridor	Vacant
16 Rodeo Road, Sol y Lomas, Boltuph, East Zia	Rural Residential	N/A .	Highway Corridor Urban Area (2DU/A with water and sewer) Commercial Nodes	Highway Corridor Very Low Density Residential (1-3 DU/A)- Low Density Residential (3-7 DU/A)	Rural Residential
17 - Old Santa Fe Trail	Rural Residential	N/A -	Urban Area (2DU/A with water and sewer)	Very-Eow-Density Residential (1-3 DU/A)	Rural Residential
18 - Hyde Park Road	Rural Residential	N/A	Urban Area (2DU/A with water and sewer)	Mountain Corridor - 1DU/10A	Rural Residentia.
19 - SR599/Camino La Tierra	Rural Residential	N/A	Urban Area (2DU/A with water and sewer) Commercial Nodes	Very Low Density Residential (1-3 DU/A)	Vacant
			1		1

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Planning Division Staff Committee Members Palace of the Governors/Museum of New Mexico (Special thanks to Hazel Romero)





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## Summary of Plan Recommendations

Below is a summary of the major plan recommendations:

#### Section 2: Water

- Amend County 40 Year Water Plan to include Agua Fria THC in Santa Fe County Water Utility Service Area for provision of wholesale water to Agua Fria Community Water Association (AFCWA).
- Support the Agua Fria Community Water Association towards establishing historical senior priority irrigation and surface water rights for Agua Fria.
- Collaborate with AFCWA on issues pertaining to supply and demand for water resources.
- Promote water conservation using established water conservation techniques.

### Section 3: Wastewater and Water Quality

- Pursue funding for development of a comprehensive sanitary sewer plan for future sewer line construction and prioritize sewer line funding requests based on the following criteria: infrastructure needs/water availability; density of area; and accessible easements.
- o Coordinate City and County efforts to resolve sewer access issues.
- o Develop an economic assistance program for residents who need financial assistance to hook-up to the sewer line.
- Property with access to a sanitary sewer line will connect to that line when infrastructure is within 200 feet of the property line.
- Protect groundwater by preventing development that poses contamination risks.

 Ensure compliance with all applicable New Mexico Environment Department regulations prior to approval of any land division or development permit.

## Section 4: Roads and Traffic

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- Reduce heavy truck traffic by establishing a ban on heavy truck traffic on Agua Fria Road; Lopez Lane and County Road 68A, San Ysidro Crossing.
- Establish quarterly meetings with public officials and city and county staff to review road and traffic issues-i.e. maintenance, law enforcement, traffic studies, etc.
- Support completion of South Meadows to County Road 62 and NM 599.
- o Support San Ysidro Crossing Improvements.
- Preservation of La Junta del Alamo as part of the El Camino Real Historic Trail, prescriptive R-O-W and historical road alignment.
- o Support proposed roundabout at Agua Fria and Henry Lynch Intersection.
- Allow reduction of road width easement requirements for family transfers.

## Section 5: Land Use and Growth Management

#### **Traditional Historic Community**

 Recommend amending Traditional Historic Community Boundary to include requests from property owners adjacent to THC at the time of the adoption of the plan and recommend that property owners north of the THC boundary to NM 599 be allowed to request to the Board of County Commissioners for inclusion into the THC at any time in the future.

#### **Open Space**

- Protect and preserve the Santa Fe River as the primary open space corridor for the THC.
- Encourage Santa Fe County to purchase land in Agua Fria to provide for connectivity and open space for community use.
- Ensure County maintenance and improvements of open space and community facilities in coordination with community.

### **Code Enforcement**

- Need for enforcement of County Code violations.
- Bring businesses without a business license into compliance of County Code.

#### **Traditional Community Zoning District**

 Amend Agua Fria Traditional Community Zoning District (AFTCZD) boundary and extend to coincide with southern THC Boundary along Rufina and/or City limits.

### Neighborhood or Village Commercial/Mixed-Use Zoning Districts

- Neighborhood mixed uses as identified in the land use table are allowed to be located throughout the AFTCZD in accordance with the conditional or special use procedures identified in the land use plan.
- Neighborhood mixed uses are required to meet development standards as identified in the land use plan including the following:
  - a. Businesses should not exceed 5,000 square feet with the exception of a small grocery store at 10,000 SF
  - b. Maximum lot coverage for nonresidential development is 40%.
  - c. Maximum height for nonresidential development is 24 feet.

#### **Home Businesses**

 Home businesses as defined in the land use plan not to exceed 2,500 square feet are recommended to be allowed throughout the THC.

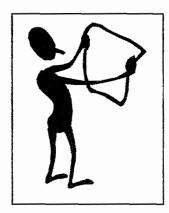
## **Community Plan Process**

### Approval and Implementation of the Plan

Proposed steps for Adoption of the Village of Agua Fria Community Plan:

- Final Draft Available for Public Review
- Agua Fria Development Review Committee (AFDRC)

   Review and Recommendation
- Board of County Commissioners
  - o 1<sup>st</sup> Public hearing
- Board of County Commissioners
   <sup>2nd</sup> Public hearing
  - o 2<sup>nd</sup> Public hearing



• Final Production and Recording in County Clerk's Office (Copies available to the public through the Land Use Department or via the County website at <a href="http://www.santafecounty.org">www.santafecounty.org</a>.

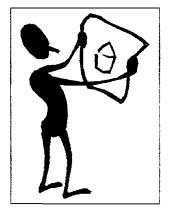
After adoption by the Board of County Commissioners, the Village of Agua Fria Community Plan will serve as an amendment to the County's Growth Management Plan. Plan recommendations can be implemented through ordinances and/or through programs and projects. Specific zoning recommendations and design standards and guidelines will be implemented through ordinances, which become amendments to the County Land Development Code. Any projects and proposals identified through the planning process may be considered as possible projects in the Infrastructure Capital Improvement Program (ICIP) and the County's Capital Improvement Program (CIP). The Plan should be updated as conditions change in the Village.

## **Agua Fria Community Planning Process**

Village of Agua Fria community members identified a need to examine issues and resolve problems within the community. Several organizational and community-wide meetings were held in 2002 and 2003 and a planning task force was established to initiate the planning process. A community planning process was authorized for the Village of Agua Fria by the BCC on June 10, 2003 in accordance with Santa Fe County Community Planning process via Resolution 2003-82.

Key issues identified at the initial public meetings:

- > Traditional Historic Community Boundary Issues
- > Water and Wastewater
- Land Use and Zoning
- Protection of Historical Nature of Village
- Protection of Community Lifestyle
- > Protection of Santa Fe River
- Provision of Public Services and Safety
- Potential Annexation of areas surrounding the THC
- > Community Amenities



The Planning Committee established the committee structure and identified a Chairperson and Vice Chair to lead the meetings. The Committee has operated in a consensus manner, defined by the committee as everyone working to reach agreement. The Committee met monthly for approximately three years to complete the plan. The Committee created several subcommittees to work on specific issues and sections of the plan throughout the planning process. The planning meetings have been open to the public and notification of the community meetings have been advertised in the local newspaper and meeting agendas have been sent to community members who have participated in the process.

#### The Community Plan Purpose:

As unincorporated communities throughout Santa Fe County have experienced rapid growth over the past two decades, the Board of County Commissioners and community members have begun planning to address the issues that result from the changes. In 1996, the Board of County Commissioners requested that the Land Use Department and Planning Division begin working to help Traditional Communities and Contemporary Communities develop local land use plans. Santa Fe County Ordinance 2002-3 (which revised Ordinance 1998-5) is known as the Community Planning Ordinance and describes the process for conducting community plans and provides for County staff to assist communities in developing plans. In order to deal with the inevitable changes and plan for the future, the residents of the Agua Fria Planning Area have spent countless hours of volunteer time in meetings, discussions, disagreements and friendly conversations regarding how to direct future development. This Plan is anticipated to be a blueprint or guide for the future of the Agua Fria Planning Area.

Community planning is a process where residents, business owners, and property owners have examined their area and decided what and how change can best be directed to support and protect community resources. Planning is both solving problems as well as expressing a clear vision for the future. The Plan will be the result of the community identifying a common set of concerns, goals that address these concerns, and then create clear policies to achieve the goals for future development in the community. For example, planning for the Village of Agua Fria must be consistent with the community's history and the ways that past planning efforts have shaped the area. The planning process must include the opinions and ideas of residents, business owners and property owners in order to be representative of the community. The process involves looking at issues that all community members may not agree on but have a shared interest in addressing. Planning requires an open and inclusive dialogue so that all voices are heard and included.

#### **Benefits of Planning**

Community planning is a means for unincorporated communities to have a voice about future development and growth. The Plan is a guide that includes input from local residents, business owners, property owners and County staff. Once the Board of County Commissioners adopts a plan, the Agua Fria Development Review Committee and Board of County Commissioners will consider development proposals in the planning area in relation to the community's specific vision, goals, and actions laid out in the plan. Programs and projects proposed in an adopted plan will be considered for funding through County programs such as the Infrastructure Capital Improvements Program (ICIP). The community planning process is not static and plans can be amended as new conditions arise, allowing for the community plan to evolve over time as the community changes.

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#### **Action Policies and Implementation:**

The Village of Agua Fria Community Plan is intended essentially as a partnership between the community and the County to help tailor land use and services to best fit with existing conditions in the Planning Area. The Plan establishes policies that can be enacted through ordinances or implemented through programs and projects. The Plan will serve as an amendment to both the County's Growth Management Plan as well as to the County Land Development Code.

#### **Program Actions:**

The Agua Fria Planning Committee seeks support from the BCC for Program Actions identified in the Community Plan. Program Actions outline proposed future programming or projects that the Community Plan identifies as important work to be addressed in the community. These actions are not proposed ordinances and do not outline any legal changes for land use or future development in the community. Program actions describe various actions that are important for future planning and development in the area. The community is responsible for working with the County and various agencies identified to initiate the program actions.

#### **Ordinance Actions:**

Ordinance actions are policies identified through the planning process which may change the County Land Development Code or other County Ordinances. The ordinance actions may be adopted by the Board of County Commissioners as a set of legally binding regulations specifically for the Village of Agua Fria THC. The County is responsible for enforcement of all ordinances.

#### **Implementation and Responsibilities**

The Planning Division of Santa Fe County's Land Use Department is the lead agency responsible for both assisting the residents of the Planning Area in the creation of this plan as well as for helping the community coordinate implementation of the various actions outlined in the Plan. Upon final adoption of a set of ordinances for the Agua Fria THC, the County is responsible for enforcement of the ordinances contained in the Plan. The Community Plan is intended as an active document that can and should be reviewed and updated as conditions change throughout the Planning Area.



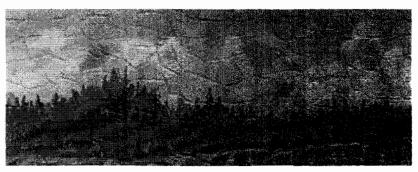
## Vision

Our Vision for Agua Fria is a community where our history has been embraced, where we value our cultural and historical origins while creating a sustainable and thriving future for our citizens.

A community where our children have an opportunity to live and prosper. A community that welcomes and encourages children to become full participants of village life in a safe environment and where generations are still on their ancestors land; where young people think of staying.

We resolve to protect the Santa Fe River and our open spaces as well as the unique character of our Village by honoring our cultures and the area's historical, agricultural, livestock and residential traditions.

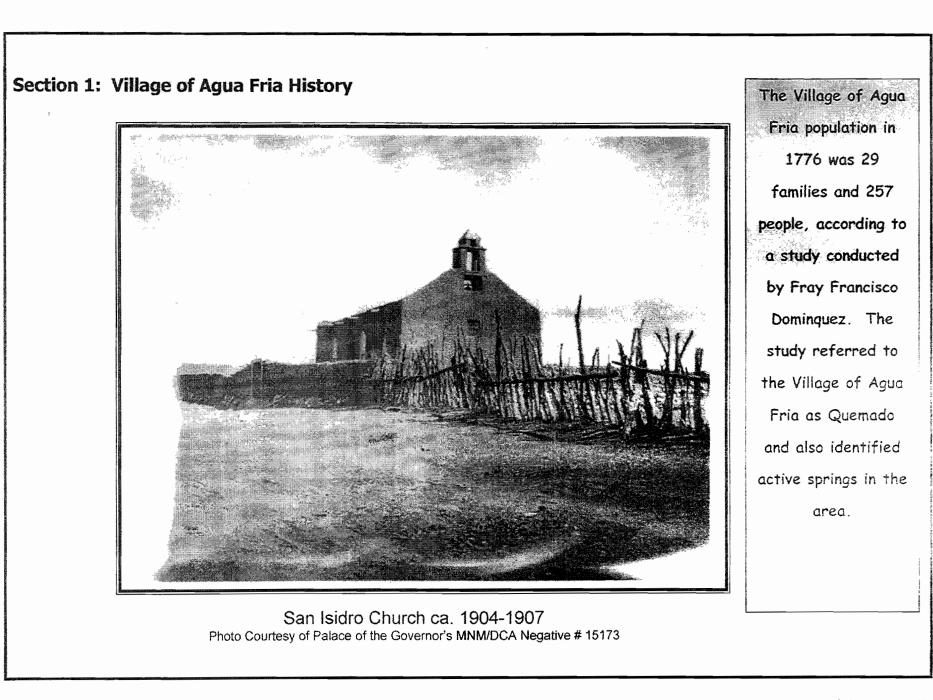
We, as a community, further resolve to work together to preserve, maintain and accomplish our vision of a sustainable, well-planned community where people of all income levels are welcome and where people are able to live and work in harmony with their neighbors.



The citizens of Agua Fria Village adopt this vision statement to serve as the guiding principle for the creation of this plan.

Part of the San Ysidro River Park Mural by Leopoldo Romero





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## A Brief History of the Planning Area:

## **Pueblo Era**

Agua Fria was originally named *Ca-Tee-Ka* meaning "cold water" by Tewa and Tano Indians along the Rio Grande. There are at least two major Late Puebloan archaeological sites in the area, one identified as the Agua Fria Schoolhouse Site (LA 2) and one identified as Pindi Pueblo (LA 1). The name Pindi, meaning turkey in Tewa, was apparently used because the Indians in the area of Agua Fria Village raised animals and farmed in abundance. Additionally, the Agua Fria area became known as *Quemado* (which means burnt in Spanish) because the Pueblo suffered a big fire.

Pindi Pueblo was located on the north bank of the Santa Fe River in the Village of Agua Fria and much of this area is still unexcavated. The Pindi Pueblo is both a prehistoric and historic settlement. Pindi remains the oldest and largest coalition, which dates back to from A.D. 1150 to the mid 1500's. The pueblo was abandoned because of the drought, although the indigenous population returned in the seventeenth century and later abandoned the area after the arrival of the Spaniards.

Excavations of sites in this area were done by the Works Progress Administration, documented by Stanley Stubbs and W.S. Stallings in 1937, and through the American School of Research from 1923 to 1933. Additionally, a study done in 1988 by Chuy Cherie Scheick on the south side of the river shows that the Pindi appeared to have moved to that site now known as the Agua Fria School House. This study was done for the Agua Fria Community Water Association where the well house and water tank now exist.

According to a recent study describing the importance of the archaeological sites for the Agua Fria area:

These two sites can be envisioned as the large central knot in a cultural "rope", earlier strands of which stretch back at least to Archaic times and perhaps before...Even earlier archaeological sites may well exist beneath the buildings into the very houses that Agua Frians still inhabit. The later time periods can be experienced not just as physical remains but also as historic documents and family memories... whose families have been present at least since the 1690s. It is a cliché in the Santa Fe region that "Agua es Vida", but there is no simpler way to express the importance of the San Ysidro Crossing area as a location for both river water and fresh, cold springs that may have fed humans and animals since the very earliest occupations of this region.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Procter, Rebecca May 2006. Santa Fe River and Community Farm Cultural Resources Assessment and Background for Planning Final Report May 1, 2006. Prepared for Trust for Public Land, New Mexico State Office.



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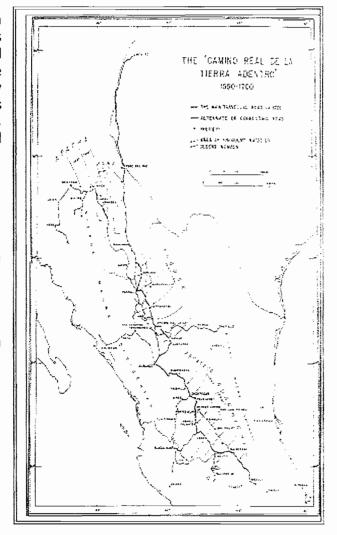
## **Spanish and Mexican Era**

The Spanish Colonial phase represents the initial Hispanic occupation of the Agua Fria area and the larger Tano province. When the Spanish first arrived, the Santa Clara Indians referred to the area by a Tewa name, *P'O' Karige*, also meaning cold water. These cold springs served as the impetus for area settlement, both prehistorically and historically. The Village of Agua Fria population in 1776 was 29 families and 257 people, according to a study conducted by Fray Francisco Dominquez. The study referred to the Village of Agua Fria as *Quemado* and also identified active springs in the area. It was not until the 1800s however, that the small Village was referred to as Agua Fria. The Agua Fria area was later described as homesteads with adjacent farm lands (Adams and Chavez 1956).

The town lies on the Historic "*El Camino Real*", meaning the "Royal Road", was a historic trade route. El Camino Real began thousands of years ago as a series of Indian footpaths. El Camino Real route was used by Pueblo people for trade and communication for hundreds of years before the arrival of Europeans. The trade route helped to disperse ideas and technologies, connected widely dispersed groups of tribes, and allowed for cultural interaction with the arriving Spanish. Agua Fria served as a *paraje*, or stopping place, for travelers on El Camino Real trail between Mexico City and Santa Fe.

The church of San Isidro was built in 1835 and derives its name from the patron saint of farmers. The church served as a protector from nomadic Indian raids. In summary, this area was occupied from the beginning of the coalition period until the present, although a short hiatus in occupation may have occurred between the abandonment of La Cieneguilla in the 1500s until the arrival of the Spanish in 1610.

The Mexican period was from 1821-1848. The Treaty of Guadalupe Hidalgo established that land grants made during periods of earlier occupation would be recognized. However, the issue of land grants was poorly administered and the land grant principles were not understood by the federal government adjudicating the land.

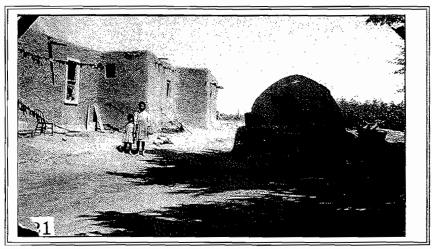


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A report by Jane Whitmore which documented the historical background of the Village of Agua Fria was submitted to the State Historic Preservation Division in 1983<sup>2</sup>. Jane Whitmore's report, described issues regarding the land status for Agua Fria as follows:

During the Mexican period, the requirements for land grants were confused by the many changes that occurred in the legislation regulating the colonization of New Mexico. Finally, in an effort to deal with the problems involved, the United States Government established the Office of the Surveyor General to assess requests for land grants and to make recommendations to the Secretary of the Interior regarding earlier grants. Congress later created the Court of Private Land Claims in 1891 that required all documentation to be "perfected" before a grant could be formally be verified. As a result many claims were rejected, including the claims for the Pino and Cleineguilla grants in the Agua Fria area.

A Government survey was conducted by William Corbet in 1909 that identified occupied land in Agua Fria and served as documentation from which U.S. patents were issued. In Agua Fria by this time the land had already been divided and subdivided into long narrow lots fronting on the river or acequias. These small holding claims were assigned Lot and Tract numbers and patents were provided to those persons who applied for them and followed the proper procedures. Given the difficulty with which land was settled and maintained, it is not surprising that the attachment to it is so strong and that land has become the most valued possession of the old families in Agua Fria, "a sense of cultural continuity and historical depth."



Agua Fria House and Horno Photo Courtesy of Palace of the Governor's MNM/DCA Negative # 56647

<sup>&</sup>lt;sup>2</sup> The Village of Agua Fria, Ours Today, Ours Tomorrow by Jane Whitmore Submitted to the Historic Preservation Division by Landmarks Preservation Consultants, May 12, 1983.

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## Village of Agua Fria Community Plan

### Statehood to Current (1912-2005)

Agua Fria was largely an agricultural area at the time of statehood. The State Engineer's 1914 Acequia maps show that 254 acres of land in the area were under cultivation. Typical crops included a variety of vegetables, wheat, alfalfa, etc. Of the 170 fields within the surveyed area, 93 percent were less than five acres each. In 1914, the residents of the area participated in the construction of a schoolhouse for Agua Fria. The Agua Fria elementary school was completed by the Works Progress Administration with the cooperation of the County School Board in 1936.

Jane Whitmore's report illustrates several factors that comprise the Traditional Village of Agua Fria's strong attachment to the land and its connection to water which extends back in time through many generations. The attachment to the land has been fostered by the difficulty with which people in Agua Fria were able to settle, maintain and finally receive patent to their land. Other factors include the sense of cultural continuity and historical depth. According to Whitman, the historical importance of water in Agua Fria is seen most clearly in relation to:

- 1. The existence of the Village;
- 2. The distribution of houses in relation to irrigation fields;
- 2. The subdivision of family owned lands;
- 3. The historical importance of the Acequia system;
- 4. The Village's response to political issues related to water.

The 1980 County General Plan identified Agua Fria as a traditional community located along the Santa Fe River. The County General plan stated that "Most farms and villages in Santa Fe County are located in the river valleys where, historically, surface water has been available for the irrigation of fields and orchards. This early settlement pattern...has prevailed to the present." Traditional Communities were established to identify areas which had higher densities and to convey that resources, especially water, were limited. The Traditional Community designation also allows for communities to prepare a community plan.

Agua Fria is located approximately 5 miles from downtown Santa Fe and within an area that was designated as the Southwest Sector by both the City and County. The Southwest Sector Plan was adopted by the Joint City/County Planning Commission in 1979. The plan was adopted as an amendment to the 1974 Santa Fe Urban Area General Plan. The population of Agua Fria identified in the report was 680 people and included approximately 250 homes. The Plan recognized the area around the Village as a major agricultural sector and recommended that the major acequias as mapped by the State Engineer's Hydrographic Survey should be preserved as pedestrian trails and, where feasible, as channels to carry storm water drainage. In the Plan, there was an indication that the Village of Agua Fria had no alternative other than to be included within the extraterritorial zoning jurisdiction. The plan identified the Southwest Sector as the area of Santa Fe that was likely to accommodate future growth.

In 1982, the Santa Fe City Council approved annexation of approximately 1,000 acres of the Southwest Sector in 1982. The annexation area was from Agua Fria Road to Airport Road and Cerrillos Road to the south, excluding the Agua Fria Traditional Community as identified in the County 1980 General Plan. The annexation area included a significant portion of the current Village of Agua Fria Traditional Historic Community. The city subsequently received approval from the Municipal Boundary Commission in 1983 to annex the area after a public hearing. Many property owners in the area opposed annexation and contested the annexation through a lawsuit filed in 1983. As a result of this annexation, density in the area

was significantly increased. The City Council reversed their decision to annex this area in March of 1987, citing the costs of providing services to the area<sup>4</sup>.

#### Village of Agua Fria Traditional Historic Community

Village of Agua Fria residents responded to potential annexation by the City of Santa Fe through a state law which enabled the community to be designated as a Traditional Historic Community. The Traditional Historic Community (THC) designation was created by state law in 1995 and enables communities that meet certain criteria to request to be declared a THC by the Board of County Commissioners. The THC designation accomplishes two main purposes:

- 1. It provides that a municipality may annex territory within a traditional historic community only by a petition of a majority of the registered qualified voters of the THC
- 2. It removes the THC from the extraterritorial zoning authority and places the zoning jurisdiction to the County.

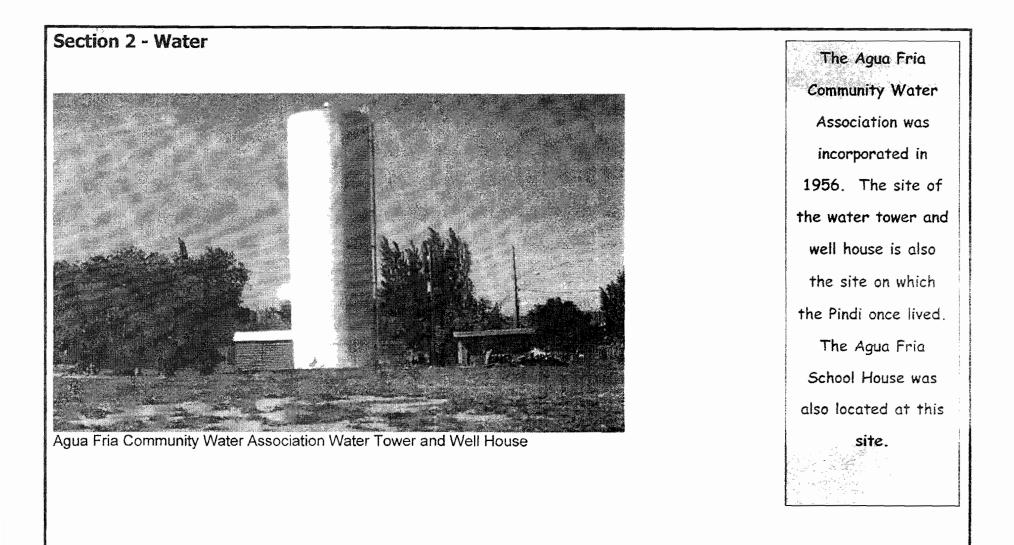
To qualify as a traditional historic community, the Village of Agua Fria was recognized by the Santa Fe County Board of County Commissioners (BCC) as:

- $\circ$  A village or community documented as having existed for more than 100 years;
- o A village or community having structures or landmarks associated with the identity of the community
- A community having a distinctive character or traditional quality distinguished from surrounding areas or new developments

The BCC established the Village of Agua Fria Traditional Historic Community (THC) in 1995 via Ordinance 1995-8. The initial boundary encompassed 4,640 acres and included much of the southwest area outside the city limits. The THC boundary was significantly reduced in 1996 by the BCC via Ordinance 1996-16 to approximately 540 acres after a lawsuit challenged the boundary and a contentious public hearing was held in which the community was deeply divided. Many property owners were left with portions of their property within the Village and part of their property outside the boundary. Village of Agua Fria THC Ordinance 1996-16 allowed property owners outside of but adjacent to the THC boundary to request to the BCC that their property be included into the THC.

The reduction in the size of the THC boundary was a divisive issue within the community. Through the planning process, the THC Boundary issues were examined by the Planning Committee and recommendations were made to amend the THC boundary to include land north of the Santa Fe River that was historically considered part of the Village. Recommendations led to the amendment of the boundary to include the addition of public land adjacent to the THC, including the Agua Fria Park and San Ysidro River Park, El Cementario de Agua Fria and property that had been previously been approved for inclusion into the THC. The Planning Committee also recommended a written description for the THC boundary be developed and that the boundary be adjusted to avoid overlapping jurisdictions with the City of Santa Fe. The Agua Fria Development Review Committee Board made a recommendation to the Board of County Commissioners and the BCC approved the amended Village of Agua Fria Traditional Historic Community Boundary via Ordinance 2004-1 on April 13, 2004 (see Appendix Map 1).

<sup>&</sup>lt;sup>4</sup> Santa Fe New Mexican article "Finances Victimize Annexation by City" March 29, 1987



## Agua Fria Water Background

Historically, the source of water for this community was a series of *ojitos*, natural springs, located both east and west of San Ysidro crossing and south of the Santa Fe River. The earliest known users of this source were the Pueblo Indians, who occupied this area in the 1300s. Later when the area was occupied by the Spanish, these ojitos continued to supply water to the residents of the area in addition to hand dug wells. Historical use of the springs has been documented back since 1693. Together with the acequias and the Santa Fe River, which traversed the lands, the residents of this area grew crops and raised their families for centuries.

During the late 1800s and early 1900s, these sources of water were depleted and the Santa Fe River was damned upstream. The shallow wells and *ojitos* dried up primarily due to the lack of continuous flow of water along the Santa Fe River and due to mining of the river for primarily sand and gravel. In 1930, the Agua Fria Community Water Association obtained a permit from the State Engineer to drill a well for the Village and begin supplying water to the community through a very narrow pipeline running west from the new well. The well serviced the residents west of the San Isidro Church to where "*El Tanque*" (the water tank) was located at the northwest corner of Lopez Lane and Agua Fria. This source was used for domestic purposes and for watering livestock from surrounding areas as well as the traveling public.

The Report on the History and Status of Water Right Lands in the Vicinity of the Traditional Village of Agua Fria prepared for Santa Fe County and the Office of the New Mexico State Engineer cites the 1914 Hydrographic Survey which indicates that 244 acres within the current boundary were under irrigation by surface waters of the Santa Fe River at that time. The use of surface flows of the Santa Fe River for irrigation purposes predates the settlement of the City of Santa Fe. The increased use of surface waters for municipal purposes resulted in construction of Nichols Reservoir in 1943 which created a 706 acre-foot reservoir and the enlargement of the Granite Point Dam (constructed in 1926) in 1947 increased the capacity of the dam from 650 acre-feet to 2908 acre-feet. Subsequent hydrographic survey field inspections found that land irrigated in 1914 were non-irrigable in the 1970s due to the non-existence of ditch structures in the river and the inability of the old ditches to convey water.

The Agua Fria Water Association applied and was granted its well permit in 1930 from the State Engineers Office. It was the first community water system to be granted a well permit in the Agua Fria area. The system as it exists at the time of this plan serves 245 family's and has as its primary source of water a well situated near the northwest corner of San Ysidro crossing and Agua Fria Road.

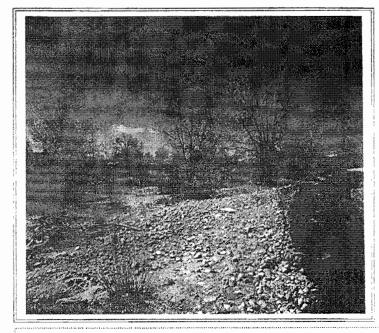
The AFCWA well is approximately 300 feet deep and has 42.3 Acre Feet of adjudicated water rights. The AFCWA also has rights to 22.5 Acre Feet of water rights which expire in 2027. In addition, the AFCWA has a contract with the City of Santa Fe's Sangre de Cristo Water Company for delivery of water on a supplemental basis. This contract, which will expire in the year 2030, is tied to an allocation



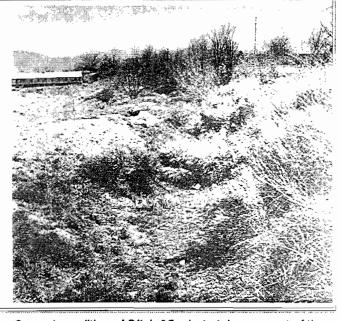


of San Juan Chama water made by the Metropolitan Water Board (MWB) in 1990. The MWB is a body that was created through a City and County Joint Ordinance in 1980 to make such allocations on behalf of the City, County & PNM.

Many of the properties in Agua Fria Village are served by individual or shared wells. As a result of increasing demands on the aquifer, many of these wells have had to be deepened within the past decades due to a dropping of the water table.



Santa Fe River at point of diversion of Ditch 35, photo taken as part of the Report on the History of Water Right Lands in Agua Fria, prepared for Santa Fe County and the Office of the State Engineer, June 2005



Current condition of Ditch 35, photo taken as part of the Report on the History of Water Right Lands in Agua Fria, prepared for Santa Fe County and the Office of the State Engineer, June 2005

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#### **Problems:**

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#### Acequia Water Rights:

- @ Surface/Irrigation water rights were taken from Village farmers without just compensation.
- @ No clear records of Agua Fria's surface water rights.
- @ Acequia records need to be researched and substantiated.
- Provide the study on History and Status of Water Rights as per House Joint Memorial Bill 55 to identify what happened to Agua Fria's Water Rights.
- @ State Engineer's Office needs to acknowledge Agua Fria's surface Water Rights.

#### Wells:

@ There are many private wells in the Agua Fria area that are being impacted by the depletion of the water table.

#### **Community Water:**

- @ Agua Fria Community Water Association (AFCWA) does not currently service entire community.
- County is not utilizing the community water system for County facilities including the community center, fire station, and La Familia Medical Center. AFCWA could provide water to County facilities.
- Current water agreement between AFCWA and City restricts the maximum amount of water that can be provided by the City to 50% of total water usage.
- @ There is a need for a "wheeling agreement" to provide wholesale water to AFCWA from either the City or County.
- County does not currently provide supplemental water service to Agua Fria.
- @ County 40-Year Water Plan currently does not include Village of Agua Fria as a priority for future service.

# Goals

- Obtain and ensure a sustainable water source for the Village of Agua Fria.
- @ Protect our water supply.
- Acquire additional water rights and develop infrastructure to service new growth and provide for orderly growth in the community.
- @ Continue working with legislative representatives and county representatives to obtain necessary funding for future water needs.
- Seek to amend County 40 Year Water Plan to include Agua Fria in its water allocation policy (AFCWA and Santa Fe County signed a water service agreement in May, 2006).
- @ Resolve outstanding water rights issues (acequias and adjudication).
- @ Recognition and promotion of water conservation (historical).

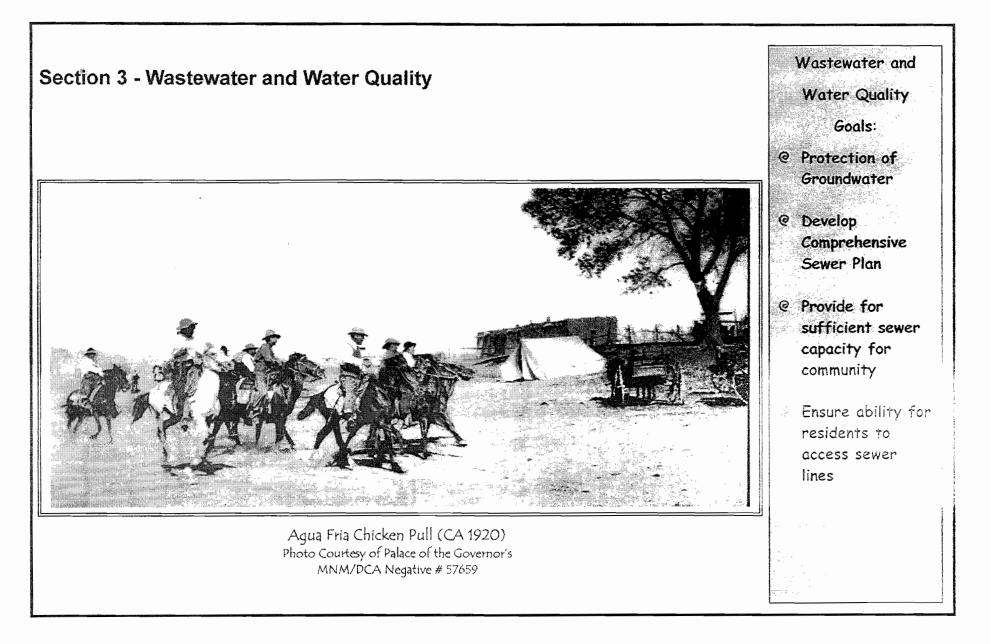


"Agua Fria Ranch" Pear Farm photographed September 1894 Photo Courtesy of Palace of the Governor's

## **Program Actions**

#### The Agua Fria Planning Committee seeks support from the BCC for the following:

- @ Amend County 40 Year Water Plan to include Agua Fria THC in Santa Fe County Water Utility Service Area for provision of wholesale water to Agua Fria Community Water Association (AFCWA).
- Request Santa Fe County Allocation of Water to Agua Fria THC to provide sufficient supplemental water to AFCWA to ensure the community has a long-term sustainable water supply. (AFCWA and Santa Fe County signed a water service agreement in May, 2006).
- @ Work with AFCWA to establish priority water rights for Agua Fria.
- @ Collaborate with AFCWA on issues pertaining to supply and demand for water resources.
- © Collaborate with AFCWA to establish water service delivery area for AFCWA-i.e. identify water resources and service delivery.
- <sup>®</sup> Develop historical maps of community acequias and historical diversion points of Santa Fe River.
- @ Promote water conservation using established water conservation techniques.
- @ Provide water conservation informational sheets to Agua Fria Elementary School.
- @ Work with Santa Fe County Utility and Projects and Facilities Departments to encourage County projects to hook-up to either the County Water Utility or the AFCWA.
- Provide information to community identifying areas where the AFCWA water lines are located and estimated costs for extension of water service in accordance with AFCWA 40 year plan.
- @ Assist AFCWA in disseminating information pertaining to availability of community water.



## Wastewater and Water Quality Background and Issues:

In recent years both commercial and residential growth inside and outside the planning area have increased significantly. As a result, there are increased needs to develop infrastructure, including a wastewater system, to meet the current and future needs for growth in the Village of Agua Fria.

Two sanitary sewer trunk lines run through the planning area and another lies to the south of the planning area. All of these sewer lines run in an east to west direction. One of these lines lies to the north of the Santa Fe River, another runs down the center of Agua Fria Street and the third along Rufina Road. While the aforementioned sewer lines run through the planning area, the ability of residents in the village of Agua Fria to access the sanitary sewer infrastructure, owned by the City of Santa Fe, has been very limited due to resolutions passed by the city to deny use of city utilities by entities outside the city boundaries. The planning area, although surrounded by the city on three sides, was one of those entities.

In June of 2004, the City of Santa Fe adopted Resolution 2004-23, which states in part:

Mainline extensions of and service connections to the city sewer system may be approved by the technical review team if the extension is entirely located within the boundary of the Agua Fria Traditional Historic Community and the application is accompanied by a resolution approving of the request from the Agua Fria Village Planning Committee. An applicant for service to a property located entirely within the boundary of the Agua Fria Traditional Historic Community is not required to agree to annex the property.

The approval of this resolution, spearheaded by community members, County planners and area legislators is very important for the future growth of the Traditional Historic Community of Agua Fria as it allows for property owners to hook up to the City sewer system with a Resolution of approval by the Agua Fria Planning Committee.

Given that the Village of Agua Fria has existed for more than two centuries without access to a sanitary sewer line most of the village residents still utilize private septic systems, including some cesspools that serve more than one home. This situation is of obvious concern to the residents of the Traditional Historic Community and overall planning area. The New Mexico Environment Department has also expressed concern in the recent past concerning this situation. Obviously, the potential for groundwater contamination is of major concern given that the planning area receives its potable water supply from both the Agua Fria Community Water Association and private wells tapping into the aquifer below the village. It is very important to residents that the fresh water resources be protected into the future by decreasing potential contamination from septic systems.

As a result of resident, County and legislative foresight there has recently been substantial progress in the quest to extend sanitary sewer service to more and more homes in the planning area. The New Mexico State Legislature has provided funding for a sewer trunk line along Agua Fria Road from Jemez Road to the Santa Fe city limits to the east. The first two phases of the project have been completed between Jemez Road and the San Ysidro Crossing. Phase 3 from San Ysidro Crossing to the city limits was scheduled to be completed by early 2006. As a result of these efforts, several mainline extensions have been planned and/or funded. Some of those projects include Camino Polvoso, Rumbo al Sur, Paseo de Tercero/ Via Don Toribio, Ben Lane and Antonio Lane.

Over time, in conjunction with sanitary sewer mainline extensions and laterals, both constructed and planned, a majority of the present and future residents in the Agua Fria planning area will have the opportunity to hook-up to the sewer system and abandon existing septic systems, thus ensuring protection of potable water supplies well into the future. It should also be noted that the effluent that is produced in Agua Fria and sent through the sanitary sewer lines is ultimately processed at the City of Santa Fe Wastewater Treatment Plant. This effluent provides the city with greater quantities of treated effluent which in turn can be utilized for construction projects, return flow credits and increased flows to the Santa Fe River benefiting other communities downstream.



Photo of Santa Fe River in Village of Agua Fria taken in 2006



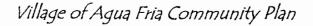
#### **Problems:**

- The New Mexico Environment Department enforces wastewater disposal and septic system standards but does not always have the resources to monitor correction of violations if they occur. The County does not have the authority to consistently enforce wastewater discharge requirements following the granting of development permits. This allows for the potential of septic systems being installed in the planning area on small lots so that the intent of protecting groundwater through existing regulations may not always be met.
- The increasing population is served mainly by septic systems. This increases the probability of future groundwater contamination through overcrowding of lots and increasing density levels that pose a risk of contamination by placing septic tanks too close to existing water resources and wells.
- @ Given the age of the Traditional Historic Community of Agua Fria and prevailing lot parcel configuration in the area, many parallel roads exist of insufficient width to easily extend sanitary sewer service to service areas.
- Many residents of the THC who live along the south side of the Santa Fe River and north of Agua Fria Road may be unable to access the sanitary sewer without utilizing lift stations due to the elevation of these properties with respect to the sewer line along Agua Fria Road. Crossing the Santa Fe River to access the northern most sewer trunk line does not appear to be feasible for lots south of the river.
- @ Given that the City of Santa Fe uses all three sewer trunk lines running through the planning area, sewer trunk line capacity may prevent all residents in the planning area who wish to utilize the sanitary sewer from doing so at some time in the future.
- Individuals in the THC may not be aware of the potential to hook-up to the city system. Additionally, these residents may not have the financial ability to pay for the hook-up to abandon their septic systems.
- Our event of the landowners of the landowners of the landowners free tie-ins to city sewer system.

## Goals:

- Protection of groundwater through affordable connection to sanitary sewer lines running through the planning area. 0
- Develop a comprehensive sanitary sewer plan. 0
- Ensure that there is the ability for all residents to have the capability to access the sewer infrastructure. 0
- Develop cooperative educational and management programs between all parties regarding wastewater disposal in the planning 0 area.
- Ensure legal, safe recycling of wastewater. ©
- Ensure the highest level of protection against water resource pollution and degradation from all potential commercial, industrial, O institutional and residential sources of pollution.
- Ensure that sewer capacity is sufficient for the future growth needs of the planning area. 0





#### Actions:

#### The Agua Fria Planning Committee seeks support from the BCC for the following:

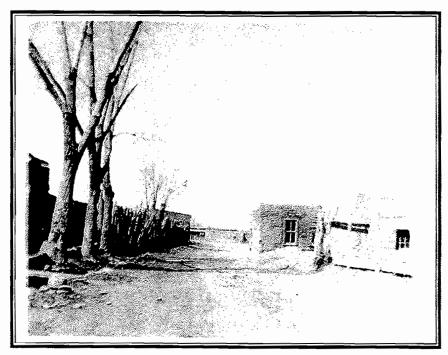
## **Program Actions:**

- The community will work with the County Land Use Department, Planning Division, County Water Resources Department, New Mexico Environment Department and other relevant county, state, federal and non-governmental agencies to:
- Pursue funding for development of a comprehensive sanitary sewer plan for future sewer line construction to include topography, accessibility, and cost analysis.
- @ Prioritize sewer line funding requests based on the following criteria:
  - o Infrastructure Needs / Water Availability
  - o Density
  - o Easements
- @ Ensure dedicated public utility easements do not become public roads without the consent of property owners.
- @ Inform Village residents on wastewater issues through educational information and community outreach.
- Coordinate with City and County Utilities to assess capacity of Agua Fria sewer line capacity and ability to hook up to Santa Fe River trunk line.
- @ Develop economic assistance program for residents who need financial assistance to hook-up to the sewer line.
- Coordinate City and County efforts to resolve sewer access issues for property owners who have provided easement agreements to the City.



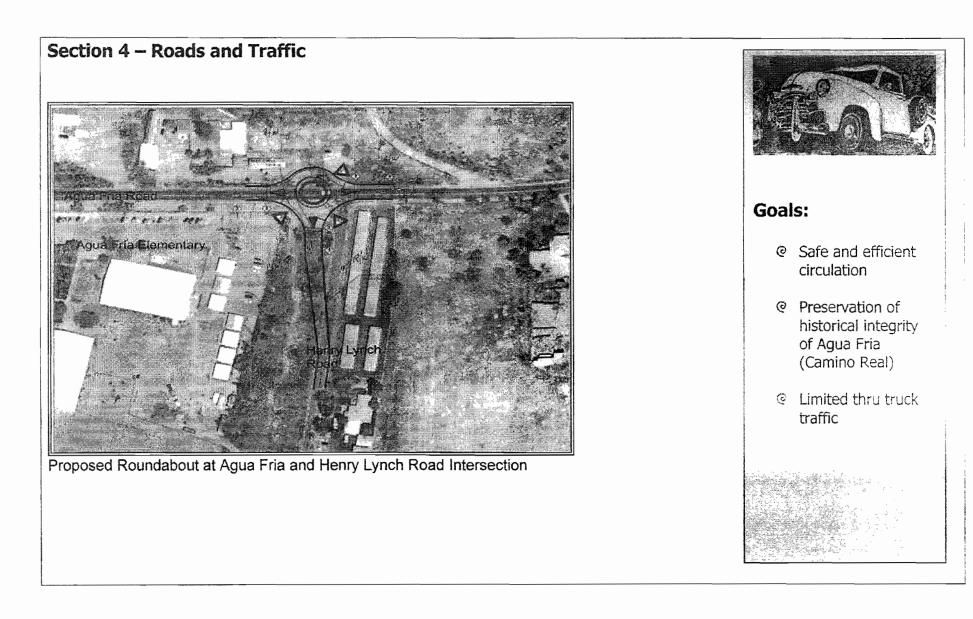
## Ordinance Actions:

- @ Property with access to a sanitary sewer line will connect to that line when infrastructure is within 200 feet of the property line.
- When property in the planning area is divided, subject to a family transfer, variance, or rezoning the landowner must furnish complete and accurate documentation to the County which demonstrates that all facilities on-site are in compliance with all New Mexico Environment Department regulations and that all necessary permits have been obtained for any and all septic and waste disposal facilities on the property.
- Previous events of spills and potential to contaminate surface and groundwater systems shall not be permitted within the planning area.



Agua Fria House CA 1897 Photo Courtesy of Palace of the Governor's MNM/DCA Negative # 31897





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#### **Roads and Traffic Background and Issues:**

Agua Fria THC is serviced by Agua Fria Road, part of the historic Camino Real, along with many private roads and several County maintained roads. The Camino Real route is a historic trade route that has been used for hundreds of years. Agua Fria Road is also a principal route connecting Agua Fria THC and the City of Santa Fe. Agua Fria Road is one of eight County Roads in the Agua Fria THC. Lopez Lane and Caja del Oro Grant Road are the major north south roads on the western edge of the community. Caja del Oro Grant Road and San Ysidro Crossing are roads which cross the Santa Fe River. Other major roads adjacent to the community include Rufina Street and Henry Lynch Road, maintained by the City of Santa Fe. The Henry Lynch Road R-O-W boundary serves as the eastern boundary and Rufina is the southern boundary of the THC.

The majority of the roads in the THC are private roads which allow property owners access to their property. The private roads do not provide public access and connectivity to the public roads in the THC. The long lot parcel configuration in the Village of Agua Fria is not conducive for the provision of the easements required for subdivisions by Santa Fe County. There is a need for consideration of a reduction of road easement width requirements for family transfers and small residential subdivisions.

Urbanization and increased density in and around the THC have resulted in increased congestion throughout the planning area. Santa Fe County has improved the conditions of Agua Fria road through completion of Agua Fria Phase 1 and 2, although there are problems with the road which need to be addressed. Agua Fria Phase 3 is in the process of being completed and will provide improvements to the section of Agua Fria from San Ysidro Crossing to the city limits. This includes the intersection with Henry Lynch Road. Heavy truck traffic along Agua Fria Road and Lopez Lane has also been identified as a major problem for traffic flow and damage to the roads.

The Agua Fria Road and Henry Lynch intersection has been a major concern of the community which needs to be addressed. The planning committee has acknowledged that many traffic accidents have occurred at this intersection which has become more dangerous due to increased traffic. The Planning Committee sought a remedy and requested information regarding the intersection from the County Public Works Department in September of 2004. The County Traffic Engineering Division Director reported that traffic studies had been prepared for the intersection for the city which showed that the intersection met traffic warrants for a signalized intersection.

The community was concerned that a traffic signal could be extremely dangerous because of the location of Agua Fria Elementary School adjacent to the intersection. Other potential problems related to a signalized intersection at that location include speeding to avoid a red light at a location where children cross the street. The community discussed alternative options for the intersection including a "Roundabout". A roundabout is defined as a raised island that is usually landscaped and located at the intersection of two

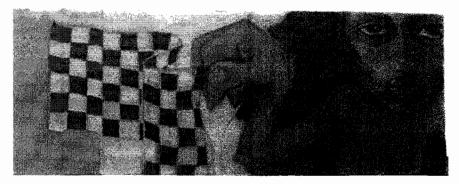
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streets used to reduce traffic speeds and accidents without diverting traffic onto adjacent residential streets<sup>5</sup>. Features include a central island and splitter islands, pedestrian crossings, landscaping buffers and a potential for public art or other aesthetic components. The large radius of the traffic circle would be able to accommodate large trucks. Federal studies have shown that roundabouts are significantly safer than traffic signals.

The Planning Committee requested to the Board of County Commissioners that the County place stop signs at the Agua Fria and Henry Lynch intersection in order to immediately address the dangerous nature of the intersection. The BCC authorized the placement of stop signs and they were placed at the intersection in October, 2004 as an interim measure only since the traffic studies showed that the intersection met additional traffic warrants. The planning committee requested that the City and County consider options for a roundabout for the Agua Fria Henry Lynch intersection. The City Traffic Engineer and County Public Works Traffic Engineering Division Director made a presentation to the committee in late 2004 and discussed the potential for a roundabout at the intersection of Agua Fria and Henry Lynch Road. A roundabout requires additional Right-Of -Way which the City had acquired a number of years ago as part of the proposed Richards Avenue extension to West Alameda.

The planning committee recommended that a traffic study be done to determine whether a roundabout would be feasible for this location. The Agua Fria Planning Committee recommends that future intersection improvements be made in conjunction with the completion of Agua Fria Phase 3 and include the traffic improvements for Agua Fria Elementary. Public art along the roundabout is also recommended.



Aerosol Mural along wall in Village of Agua Fria

ONAT/ATTRZ/ST/ZT

<sup>&</sup>lt;sup>5</sup> American Planning Association Planners Dictionary, Planning Report Number 521/522 Edited by Michael Davidson and Fay Dolnick.

#### **Problems:**

- ◎ Traffic impacting Agua Fria THC needs arterial road alternatives.
- @ Agua Fria Road and Henry Lynch Intersection dangerous.
- @ Speeding and excessive traffic on Agua Fria Road, Rufina and Lopez Lane.
- **Q** Rufina dangerous due to no turning lanes, lack of signs indicating intersections, lack of traffic enforcement.
- @ Development outside THC impacts traffic on existing roads.
- It is a state of the second second
- Lack of public north south connector roads.
- @ Powerline road easements still on property owner deeds-need to be relinquished.
- Q Lack of long term road planning in THC.
- Lack of connectivity between Rufina Meadows and Agua Fria is causing traffic to bottleneck on Rufina, Henry Lynch, Jemez Road and Lopez Lane during rush hours.
- Lack of connectivity between Calle Atajo and Agua Fria is causing traffic to bottleneck on Rufina, Henry Lynch, Jemez Road and Lopez Lane during rush hours.
- @ Road easement width requirements are not conducive for the long lot configurations of small residential subdivisions.



#### Goals:

- @ Safe and efficient circulation in and around the THC.
- Multi-modal transportation-(bikes, pedestrians, buses, horses).
- Preservation of historical integrity of Agua Fria and historic roadways (El Camino Real).
- @ Limited truck traffic-limit, reduce, restrict heavy truck traffic on Agua Fria and Lopez Lane.
- @ Future land uses need to consider traffic goals.
- @ Better utilization of NM 599 and Frontage Road to reduce traffic in Agua Fria THC.
- Improved lighting on roadways.
- @ Recognition of impact of development and traffic on Agua Fria THC.
- @ City and County recognition of Arterial Roads Task Force (ARTF) plan.
- @ Develop long range plan for utilization of Calle Atajo/encourage connection to Agua Fria from Calle Atajo.
- @ Spread the traffic load and increase connectivity.
- Provide safe pedestrian access.
- Improve circulation plan outside of THC i.e.support South Meadows extension; Caja del Rio/NM 599 Interchange; Siler Road Bridge; Rufina Improvements.

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## Actions:

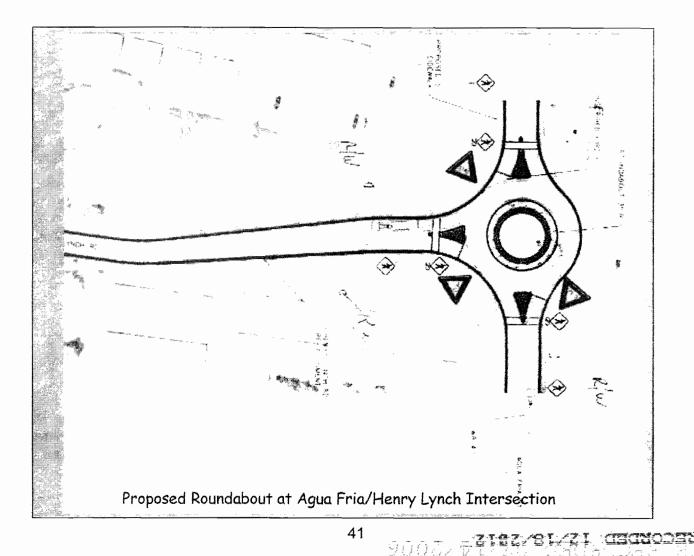
## The Agua Fria Planning Committee seeks support from the BCC for the following:

## **Program Actions:**

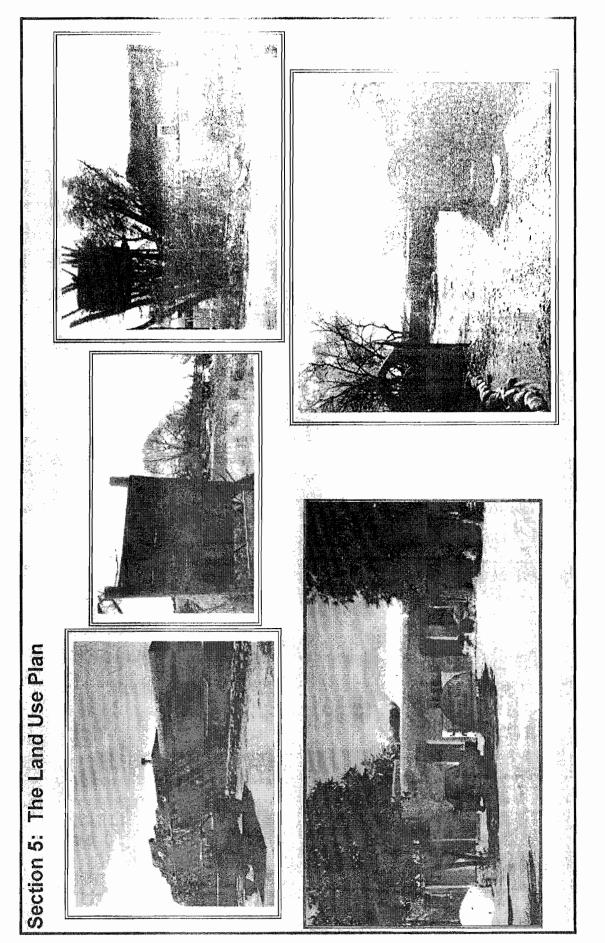
- Establish quarterly meetings with public officials and city and county staff to review road and traffic issues-i.e. maintenance, law enforcement, traffic studies, etc.
- @ Develop neighborhood friendly public roads between Agua Fria Road and Rufina in the THC to provide better traffic circulation.
- Support San Ysidro Crossing Improvements.
- Preservation of La Junta del Alamo as a Historic Trail, prescriptive R-O-W and Historical Alignment.
- Support completion of Siler Bridge.
- Support connection of Calle Atajo and Agua Fria Road.
- @ Support connection of Rufina Meadows and Agua Fria.
- - Pavement failure-sinking asphalt; La Junta del Alamo needs rollover curb approximately 40'.
- Support Caja del Rio/NM 599 Interchange.
- Request study for traffic calming measures such as speed humps for specific sections of Lopez Lane, Agua Fria and San Ysidro Crossing.



- @ Heavy truck ban for thru traffic on Agua Fria Road; Lopez Lane and County Road 68A, San Ysidro Crossing.
- @ Reduction of road easement width requirements for family transfers and small residential subdivisions.







1002 (A. 107 - 107 - 1002)

## **Community Plan Vision for Land Use and Growth Management**

## The Village of Agua Fria will be a place ...

- @ that is a well-planned community; where new development considers land use, water and wastewater;
- @ where there is a "sustainable" community;
- @ where the rural character is preserved and farming and agricultural activities are enhanced;
- where people have live/work situations within the Traditional Historic Community, meaning they are able to live and work in the same place;
- @ where appropriate land uses strike a balance between historic uses and the impact progress has had on the Village;
- @ where there is an ability to transfer land to family and where our children have an opportunity to live;
- @ where planning and zoning addresses the needs of the community;
- @ where the cultural and archaeological sites are recognized and preserved;
- and where the community welcomes and encourages children to become full participants of village life in a safe environment.



Part of an aerosol mural along a wall in the Village of Agua Fria

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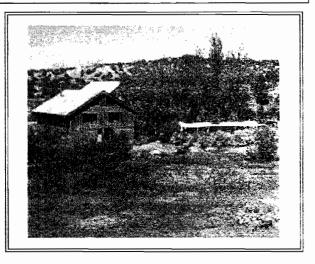
#### Land Use Background Issues and Opportunities

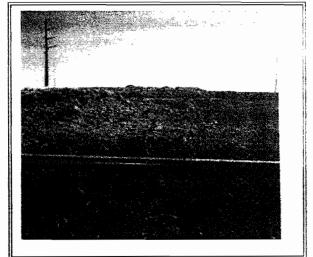
The Village of Agua Fria is an unincorporated community adjacent to the City of Santa Fe. The traditional community was largely developed adjacent to the Santa Fe River for agricultural purposes from the Pueblo, Spanish Colonial and Mexican eras to the present. Agriculture played an important role in the historic development of the area going back at least as far back as the 13<sup>th</sup> century when pueblo residents used the river to irrigate crops. The traditional rural and agricultural character of the community has shaped local settlement and land use patterns and resulted in long narrow lots from small holding claims which were subsequently subdivided into smaller lots.

#### Need for Land Use Plan

The Planning Committee has developed the land use plan to support the community's vision for a sustainable and thriving future for current and future residents of the Village of Agua Fria. The effects of growth both within and outside of the community have increased the need for the community to both identify and preserve the intrinsic nature for the Village of Agua Fria.

Increased residential and commercial development is clearly seen adjacent to the Village through several recent projects. The City of Santa Fe recently annexed significant land adjacent to the Village of Agua Fria which was previously part of the Traditional Historic Community for development projects. Proposed developments include San Isidro Village, a mixed use development which will include several large commercial development properties and several hundred residential lots. Additional annexation requests surrounding the Village have recently been approved and/or are in the process of approval. Increased development pressures both within and surrounding the Village will increase traffic and population which will further increase the density and development pressures for the Village in the future.



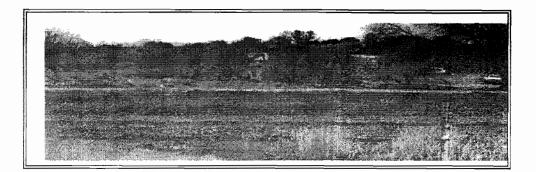


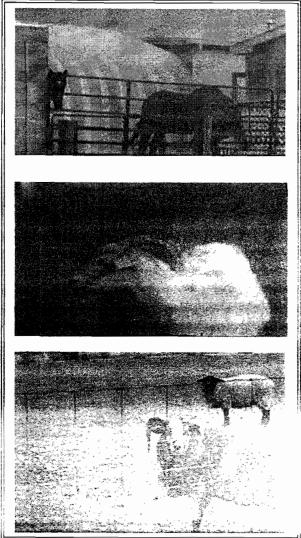


#### **Rural and Semi-Rural Character**

The rural character of the Village is important to community residents. The ability for residents to use their land to accommodate a mixture of uses including agriculture and residential uses as well as non-residential uses retains significant importance. Committee members have identified rural land patterns as desirable although there is recognition of continued urbanization on the Village. The rural identity of the Village is being challenged by increased urban pressures from both in and around the planning area which have resulted in increased densities and changed land-use patterns in the Agua Fria THC.

The community recognizes the need to allow for the historical uses of land that protects open space and preserves the rural/semi-rural land patterns. The desire for rural protection in an increasing urban setting has included discussion on defining what rural means in the context of the Village. Residents identified the importance of being able to retain open space and maintain historical uses of land including agricultural practices and the ability of property owners to maintain animals. Transitional areas and connectivity were identified as important buffers between rural and more urban areas.





Horses, goats, and sheep in the Village, above. Santa Fe Community Farm agricultural field, left..

## **Open Space**

Community members recognize the Santa Fe River as a significant community amenity and natural resource. The Village has resolved to protect and preserve the Santa Fe River as the primary open space corridor in the Village. The Planning Committee supports the County's efforts to purchase and acquire land and manage and restore the river and develop a river park. The County recently acquired several properties along the Santa Fe River and adjacent to the river including a portion of the Community Farm property. Some of this open space property was previously used for mining purposes.

#### San Ysidro River Park

The San Ysidro River Park plans include a park and trail along the Santa Fe River from San Ysidro crossing to Lopez lane which will connect to the Agua Fria Park. The river trail will provide public access to the river and will be an important recreational and community amenity.

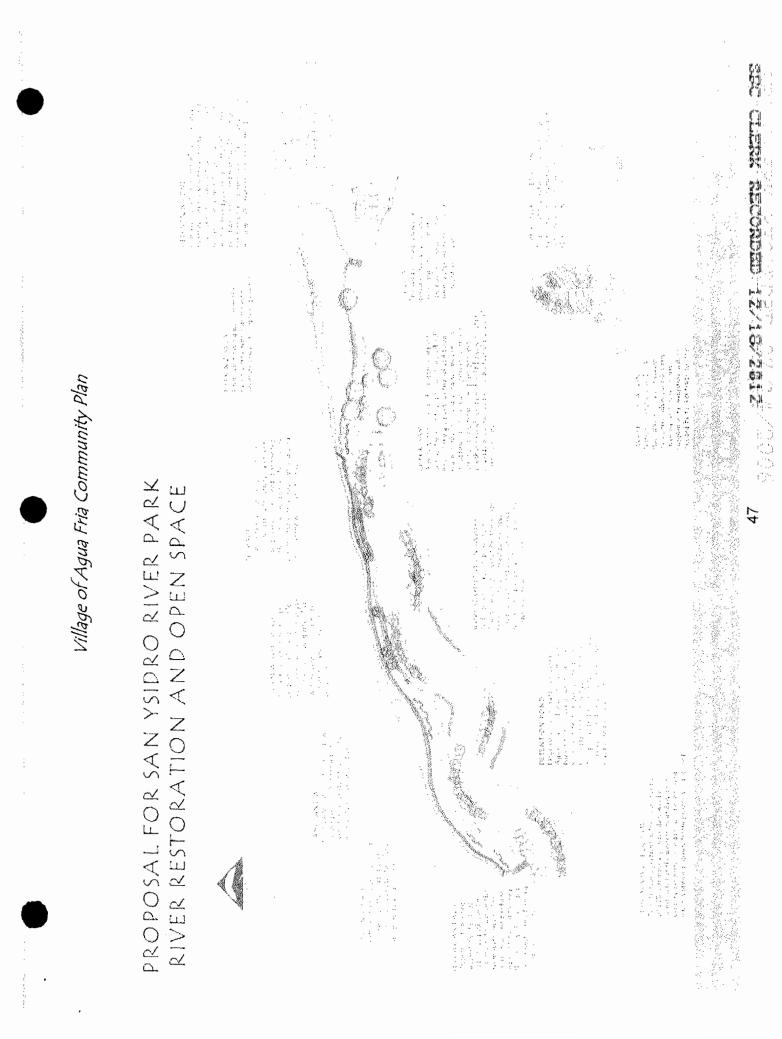
El Camino Real is an important historical and cultural part of the Village and the Committee has recognized the need to reestablish the importance of the historic trail and its relationship to the Village of Agua Fria. Committee members worked with the County and supported a National Scenic Byways Grant project application to develop interpretive facilities and a trail that would focus on the history of the Village in relation to the Camino Real as well as signage that identifies Agua Fria as part of the historic El Camino Real.

The Acequia Madre and other acequias in Agua Fria retain an important historical significance and should be protected when possible. The retention of existing acequias are one way that the community could protect the historic nature of the Village while providing an open space corridor and connection to the Santa Fe River as part of future development plans, where connectivity is feasible.



Santa Fe River mural by local artist Leopoldo Romero

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#### Institutional Uses and Community Services

Institutional uses such as the Agua Fria Elementary School, the San Isidro Church, El Cementerio de Agua Fria, the Agua Fria Fire Station and La Familia Medical Center and the Agua Fria Park are important for residents and provide for essential community needs in the Village. Institutional uses at Agua Fria Park include the fire station, La Familia Medical Center and the Agua Fria Community Center which is located on property that was patented to the County from the Bureau of Land Management for community uses. The Agua Fria Park, which includes children's playground equipment, basketball courts, baseball fields and tennis courts, is a significant asset for the community.



#### Agua Fria Community Center

The community identified a need for additional community services to meet the needs of the growing population. A community center to be located at Agua Fria Park was identified and State Legislative funding for the design of the facility was secured and completed in coordination with the community. The Agua Fria Community Center Advisory Committee was established through the Planning Committee and made recommendations on the design of the facility. The Planning Committee also made recommendations to the Santa Fe County BCC for Community Center. The BCC voted to request 2004 CDBG funds for the Agua Fria Community Center. Additional funding for the Community Center was allocated by the BCC in 2005 to complete the funding required for the Agua Fria Community Center is expected to be completed by mid 2006.



La Familia Medical Center, top. Agua Fria Community Park playground, above. Conceptual rendering of Agua Fria Community Center, bottom



The Committee also recognizes the value for children to have opportunities to become participants in the Village and to live in a safe environment. The Agua Fria Elementary School is an important part of the community and the planning committee has included representation from Agua Fria Elementary School. The school has established programs for both parents and students in the community including pre-school classes. Agua Fria Elementary is also planning significant improvements in the near future.

#### Agua Fria Children's Zone

Community development opportunities include the Agua Fria Children's Zone (AFCZ), being developed by the United Way of Santa Fe County. United Way of Santa Fe County representatives have made presentations to the planning committee in regard to this potential community development project which would provide services to children to help build and strengthen the community.

The Agua Fria Children's Zone works to create opportunities and enhance the quality of life for children and families by providing needed services and support. The AFCZ concept is that investing in early childhood development and education results in better school performance, less criminal behavior, reduced dependence on welfare and higher-paying jobs as adults. At the same time, engaging a community around its children improves the chances of sustainable success. The Planning Committee made a recommendation in support of the program to be located at the Agua Fria Community Park.



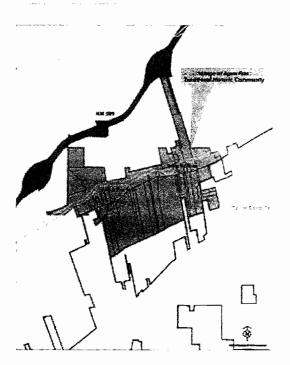
A United Way of Santa Fe County Initiative

## Village of Agua Fria Traditional Historic Community Boundary

The Agua Fria Traditional Historic Community (THC) was originally adopted by Ordinance of the Board of County Commissioners in 1995. The THC boundary was amended in 1996 and again in 2004 through Santa Fe County Ordinance 2004-1. The current THC is comprised of approximately 771 acres. The THC Ordinance allows property outside of but contiguous to the THC to request to become part of the THC. Opposition to annexation and Village self-determination are the major reasons that the Traditional Historic Community continues to be an important declaration for the Village.

The Planning Committee recommends that the THC boundary be amended to include requests from property owners who are contiguous to the existing THC boundary. Zoning for the property in areas outside the TCZD will be in the Urban Zoning District of the County as shown on the proposed zoning map 2 in the appendix of this document.

The requests from property owners for inclusion into the THC should be submitted to the BCC prior to adoption of the Village of Agua Fria Community Planning Ordinance. The THC Boundary will be amended by ordinance of the BCC. The planning committee recommends that the boundary not be extended past NM 599 to avoid encroachment on the Tres Arroyos Community Plan. In addition, the committee recommends that the Board continue to allow property owners north of the THC to NM 599 from CR 62 to Via Veteranos (NM 599 Access Road) to be allowed to request inclusion into the THC after the adoption of the plan and ordinance.



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#### **Code Enforcement**

Growth within the community has also increased and residents are concerned that illegal development is taking place within the Village, including illegal businesses operating within the community. In addition, there are concerns with junked vehicles and trash in the Village which is not in compliance with the County Code. The land use analysis completed by the subcommittee has identified many of the businesses located in the Village as either legal nonconforming businesses or businesses operating in violation of regulations currently in effect. Businesses operating without a business license are in violation of the County Code and are defined as Code violations. The land use subcommittee recommendation is for the County to conduct a survey of the businesses in the THC to determine whether the businesses have received a business license and are in compliance with the Code. The planning subcommittee recommends that the businesses operating without appropriate zoning or licenses go through the land use process in order to come into compliance with the Code.

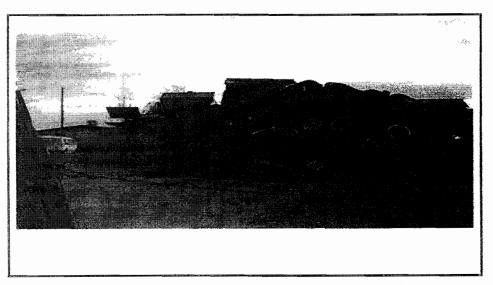


Photo of possible County Code violation in the Village of Agua Fria Photo taken in 2006

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## **Existing Zoning**

#### Traditional Community Zoning District (TCZD):

Traditional Community Zoning Districts (TCZD) were created under the 1980 County General Plan. The Agua Fria TCZD boundary is within the Agua Fria THC and the current boundary is composed of 310 acres. The TCZD includes the area of the THC from the Santa Fe River to the southern boundary of the THC adjacent to Rufina Road and/or the City of Santa Fe Boundary. The intention of this designation was established to preserve the land use pattern and character of Traditional Communities in Santa Fe County. The Santa Fe County Land Development Code identifies Traditional Communities as follows:

- 1. 75 years or more of continuous settlement;
- 2. Historic pattern of diverse and mixed community land uses
- 3. Presence of historic structures; and
- 4. Existence of a village center(s).

#### **TCZD** Minimum Lot Size and Maximum Density:

Minimum lot size in the TZCD is one dwelling unit (du) per three quarters of an acre (3/4 ac). Minimum lot size can be reduced to one third of an acre (1/3 ac) with community water and sewer. Maximum density with community water and sewer is three dwelling units per acre.

#### **Urban Area:**

The Village of Agua Fria THC, with the exception of the Agua Fria TCZD, is within the Urban Area Zoning District of the County. This designation is intended to implement and correspond to the County Growth Management Plan's "Urban Area" "where higher densities can be achieved with urban services and urban amenities and future neighborhoods can be planned and developed.

#### Urban Area Minimum Lot Size and Maximum Density:

The minimum lot size in the urban area is one du per 2.5 acres. Minimum lot size can be reduced to 1 du per acre with community water or community sewer. With community water and sewer, the minimum lot size can be further reduced to 1 du per one half (1/2) acre. Maximum density with community water and sewer is two dwelling units per acre.

## **Existing Conditions**

The Agua Fria THC consists of approximately 771 acres. The area has developed as a Traditional Village with a mixture of agriculture, residential, large scale residential, community service, institutional, and non-residential development. Existing conditions were identified based on Santa Fe County Assessor's data, County structure data and 2005 County aerial photography. This analysis shows that there are approximately 724 dwelling units within the THC. The total population in 2005 was estimated to be 2,050 based on 2000 US Census data for household size in Agua Fria Census Designated Place.

The existing land use table identifies the current land uses for the property in Agua Fria THC. The existing land use densities in this area vary from high density residential (i.e. multi-family housing and mobile home parks) to low density residential (less than 1 dwelling unit per acre). The average single family residential lot in the THC is one dwelling unit per one half acre. Most of the existing parcels in the THC are identified as residential. However, almost 25% of the land acreage in the THC is vacant and seventeen percent is identified as open space and parks and 12% is identified as institutional. In addition, much of the land in the THC has the potential to be further subdivided.

Businesses in the Village of Agua Fria include commercial, industrial, home occupations and agricultural uses. Agricultural uses include businesses such as a community farm, an equestrian center, a feed store, produce sales and a nursery. Many of the businesses in the THC are identified as legal non-conforming businesses. Legal non-conforming businesses are businesses that were in existence prior to the adoption of the 1980 County Land Use Code. These businesses include many of the industrial uses in the Village such sand and gravel, concrete, waste services and several construction and roofing companies. Other businesses in the Village include home occupations, defined as an accessory use to a residential dwelling and are secondary to the principal use of the residence.

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Existing Land Use Table Summary							
Existing Land Use Type	# of Lots	Total Acres	Percentage of Total Acreage				
Nonresidential	17	39	5%				
Institutional	4	94	12%				
Residential	416	306	40%				
Open Space and Parks	15	131	17%				
Right of Way	7	22	3%				
Vacant	84	179	23%				
	543	771	100%				

#### **Existing Land Uses Definitions:**

- o Institutional Use- Uses apply to public or quasi-public uses or similar institutions such as churches or schools.
- Nonresidential Use- Any use that does not involve or include the principle use of a structure as a dwelling. Nonresidential uses include both commercial and industrial uses.
- Open Space and Parks Includes undeveloped, public lands such as County Open Space land and BLM land. It also applies to
  parcels or tracts that have been dedicated as open space or floodplain areas as part of a specific development.
- Residential A structure which is arranged, designed, or used as a dwelling. Residential may also include accessory uses such as home occupations.
- *Right-Of-Way* A strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, water line, sanitary sewer and/or other public utilities or facilities.
- Vacant- Parcels that currently are vacant or have only an accessory use.



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## Village of Agua Fria Community Plan

#### **Future Land Use and Growth Management**

The Village of Agua Fria Planning Committee has analyzed multiple planning issues through the community planning process. The Plan has reviewed the historical context of the Village, current problems and issues in the community, planning area boundaries, water and wastewater, traffic issues and existing land use patterns in the Village. The community has also determined a vision statement for the future of the Village and a vision for land use and growth management. The following are recommendations for future land use and growth management for the Village of Agua Fria:

#### Agua Fria Traditional Community Zoning District (AFTCZD)

The AFTCZD accommodates mixed land uses. It is the intent of this plan to preserve the land use pattern and character of the community. The plan recommends that neighborhood uses as identified in the Performance District Use Table of this plan be allowed throughout the AFTCZD. Neighborhood Uses should be consistent with a neighborhood scale and should not exceed 5,000 square feet of commercial space (with the exception of a small grocery store which could be up to 10,000 square feet) and must meet all applicable standards in the Santa Fe County Land Development Code.

The Planning Committee reviewed the AFTCZD boundary and determined that the 1980 boundary was not consistent with the land use and ownership patterns of the community. The boundary was also not conducive for land use planning and for the provision of water and wastewater services. The Plan recommends the expansion of the AFTCZD boundary to coincide with the southern boundary of the Agua Fria THC adjacent to Rufina and/or the City of Santa Fe Boundary. This recommendation would increase the size of the AFTCZD from 310 acres to 552 acres.

#### **Residential Urban Zone**

The Residential Urban District is the area of the Village of Agua Fria THC which is north of the Santa Fe River. This area is an important part of the Planning Area and is primarily residential and agricultural and/or open space land. Future land uses in this area should be consistent with the Performance District Density and Dimension Schedule and the Performance Districts Use Table in this plan.

#### **Home Business**

Home Businesses are an important economic alternative for community members to live and work in the same place. The existing home occupations in the land development code should be expanded to include slightly higher intensity of home business without disrupting or disturbing the character of the neighborhood. The home business applicant should submit a site development plan and meet the design standards and criteria outlined in the Ordinance Actions section of the plan.

#### Affordable Housing

The Village of Agua Fria Planning Committee has considered local housing conditions and affordable housing needs. The Committee recommends the following in regard to affordable housing:

- Developments with both affordable housing and market rate housing will not segregate the affordable units from the marketrate units.
- The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural or recreational concern.
- Clustering of homes is encouraged to maintain open space within subdivisions.
- Family compounds are supported in the community and encouraged to maintain traditional lifestyles.

#### **Open Space**

Open space requirements for new development within the planning area should protect sensitive natural areas and provide for interconnected open spaces where possible. New development should also provide for interconnected trails to the primary open space corridor along the Santa Fe River when possible.

#### **Family Transfers**

Family transfers are an important mechanism to provide affordable housing and have been championed by Agua Fria community members to continue the legacy of giving land to family members and to ease burdensome subdivision regulations for families.

 Family transfers are a practice and tradition which have provided a means for affordable housing to the communities of Santa Fe County for hundreds of years with very positive results. The Planning Committee desires that this practice be continued for generations to come.

#### Density

Maximum density should not be increased beyond the zoning densities allowed within the Agua Fria THC zoning districts with the sole exception of density bonuses as defined by the County's Affordable Housing Ordinance, as amended (Ordinance 2006-02).

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#### **Potential Development Capacity and Water Demand**

The potential development capacity is important to estimate future water demand for the Village. The potential development is estimated by identifying the developable land and determining potential density if the land were to develop at the maximum density allowed (full build-out) and to determine the total water demand at full build-out for the THC. The existing land use analysis demonstrates that approximately 33 % (179 Acres) of the developable land of the Traditional Historic Community is vacant. The majority of the vacant land in the THC is within the proposed Traditional Community Zoning District (TCZD) where the density ranges from one dwelling unit (du) per .75 acres to 3 du's per acre with both community water and sewer. The remaining land in the THC outside of the TCZD is in the Urban Area of the County where the underlying zoning density ranges from one du per 2.5 acres to two du's per acre with both community water and sewer.

The actual residential density that can be achieved is based on both the zoning and access to water and wastewater. The total potential water demand for residential development is based on full build out and is estimated by using a standard water consumption of .25 acre feet per dwelling unit (based on County water restrictions). The TCZD is within the Agua Fria Community Water Association service area and has the potential to gain access to the City sewer system as there are currently sewer lines along the major access roads along Agua Fria Road and Rufina. The Urban area in the THC is outside of the TCZD and has areas which may have access to City sewer and also has the potential to gain access to community water and sewer in the future. However, at this time access to both community water and city sewer north of the Santa Fe River in the Urban Zoning District may be less likely in the immediate future. Therefore, the Urban Zoning District should remain at the existing density.

	1980	2005	Increased Dwelling Units	Average Annual Growth	Total Growth %	Average Annual Growth %
Residential Dwelling Units *	330	724	394	16	119%	4.76%

\*2005 dwelling units based on County Assessors Data

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#### Future Growth and Land Use Based on Population and Housing Projections

Santa Fe County Regional Population and Housing Projections Annual: 2002-2050 Statistical Abstract Report was prepared for Santa Fe County, the City and the Regional Planning Authority (RPA) by demographer and economist Al Pitts in 2003. This data was used as a basis for projections the RPA Future Land Use and Growth Management Plan, which was adopted by the RPA in 2004. The RPA Plan included the area from the City of Santa Fe incorporated boundary to the five-mile extraterritorial Zone. The RPA plan was divided into smaller subareas in order to analyze existing and future conditions within the planning area. Although the Village of Agua Fria was not included in the RPA planning area, it is within the RPA's Urban Area and it is therefore useful to estimate future growth and land use for the Agua Fria Community Plan. The RPA Urban Area is projected to receive approximately 60% of the regions population, housing and employment through 2025. The RPA plan estimates a total of 35,353 in the Urban Area and identifies the Agua Fria THC as 5% of the total acreage in the Urban Area.

#### **Development Capacity and Water Demand based on Full Build-Out of Vacant Lands**

The land analysis shows that there are 137 acres of vacant land within the proposed TCZD, or 77% of the total vacant developable land within the THC. The total potential amount of density that would be allowed within the TCZD if all of the vacant land was used for residential development at the maximum density with community water and sewer would be 385 dwelling units. Without both community water and sewer, the maximum amount of dwelling units allowable in the proposed TCZD would be 171 dwelling units. The urban area of the THC includes 43 acres of vacant land with a potential of between 18 and 94 dwelling units. The total water demand for the potential build out of vacant land based on .25 acre feet with community water is between 54 acre feet and 120 acre feet of water.

#### Agua Fria Projected Housing Growth Rate and Residential Water Demand

A Housing Needs Assessment was completed for the County in November of 2004. The urban area of the County was identified through the RPA Plan and was identified in the Housing Needs Assessment as the area which will absorb the majority of the region's population, housing, and employment growth between 2000 and 2020. According to the study, the highest household growth will occur in the Urban Area, where there will be an increase of 6,752 new households. The population in Santa Fe County increased 2.5% per year between 1990 and 2003. The growth rates for this area are difficult to estimate due to the fact that the Agua Fria Census Designated Place does not have historical data and the Agua Fria CDP is not the same as the Agua Fria THC. Growth projections for the Village of Agua Fria THC are estimated at 2% per year in order to determine the estimated projected housing units through 2025.

The Housing Needs Assessment estimated County growth rates to be 2.0% per year in the County through 2025. Based on a 2% growth rate for the Agua Fria THC area, there will be an increase of between 15 and 25 dwelling units per year through 2025 or an average of 18 dwelling units per year. The total increase in dwelling units will be an additional 353 dwelling units, resulting in a 49%

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growth increase between 2006 and 2025. This estimated growth increase will result in an estimated residential water demand of 88.25 acre feet as illustrated in the following table:

Agua Fria THC Projected Housing Growth and Residential Water Demand 2005 - 2025*						
	Average Annual Housing Units	Estimated Water Demand (based on .25 Acre feet per du per year)	Total Projected Increased Dwelling Units 2006- 2025	Total Estimated Water Demand 2006-2025		
Residential Dwelling						
Units *	18	4.5	353 DU	88 AF		

\*2005 dwelling units based on County Assessors Data; projected Residential Water Demand based on 2% growth rates for Residential

#### **Other Potential Development and Water Demand**

The estimated residential capacity based on vacant land analysis does not include the potential for property owners to subdivide lots larger than the density allowed to smaller lots, thus increasing the residential dwelling units in the area. There are several larger lots that have the potential to be subdivided to maximize density. In addition, there are several industrial non-conforming uses within the Village with the capacity to change uses to another use as allowed under the potential TCZD district. The potential development can be estimated by identifying properties with the capacity to subdivide and estimating total density allowed at full build out.

#### Nonresidential Development and Water Demand

The Agua Fria THC comprises approximately 5 % of the RPA Urban Area and estimated future nonresidential development for the area can be derived from the RPA's most likely projections for the Urban Area. The RPA Urban area is expected to add 536,000 square feet of commercial through the year 2020. Five percent of the nonresidential development for the RPA Urban Area comes out to approximately 26,800 square feet which can be estimated to be developed within the Agua Fria THC through the year 2020. The RPA Plan also estimated water demand for nonresidential development based on 1.5 acre feet per 10,000 square feet of nonresidential

development. The total water demand for based on the projected nonresidential square footage for Agua Fria THC to the year 2020 would be an additional 4 acre feet of water for nonresidential development.

		Estimated Annual Water Demand (based	Total Projected Increased	Total Estimated
	Estimated Average Annual	on 1.5 Acre Feet	Nonresidential	Nonresidential
	Nonresidential Development	per 10,000 SF	Development	Water Demand
	Square Feet	Building)	2006-2020	2006-2020
Nonresidential Development	1,787	0.27	26,800	4
*Estimated Water Demand for Urban Area.	r Nonresidential Development Ba	ased on RPA Plan's	Most Likely Proje	ections for the

#### Future Land Use Summary

The potential residential and nonresidential development capacity and water demand estimates are important for the purposes of this plan in order to approximate development of the THC in the future. These estimates were based on a build out analysis, growth projections and using a best educated guess for potential development. However, there are numerous factors which may result in the need to adjust these calculations based on future development demands.



### Actions

### The Agua Fria Planning Committee seeks support from the BCC for the following:

### Program Actions:

#### **Open Space**

- 1. Protect and preserve the Santa Fe River as the primary open space corridor for the THC.
- 2. Encourage Santa Fe County to purchase open space land in Agua Fria to provide for connectivity and for community use.
- 3. Ensure County maintenance and improvements of open space and community facilities in coordination with community.
- 4. La Junta del Alamo is a historic part of El Camino Real in Agua Fria and should be preserved and maintained and accessible to residents, pedestrians and equestrians as a trail corridor.
- 5. The acequias identified through the State Engineer's Hydrographic Survey's should be preserved when possible.
- 6. Open space requirements should provide for interconnected trails to the primary open space corridor along the Santa Fe River when possible.

#### Affordable Housing

- 1. The Santa Fe County Affordable Housing Ordinance is in effect in the Village of Agua Fria and affordable housing shall be undertaken in accordance with Santa Fe County's Affordable Housing Ordinance.
- 2. Developments with both affordable housing and market rate housing will not segregate the affordable housing from the marketrate housing.
- 3. The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural or recreational concern.
- 4. Clustering of homes is encouraged to maintain open space within subdivisions.
- 5. Family compounds are supported in the community and encouraged to maintain traditional lifestyles.

#### **Code Enforcement**

- 1. County Land Use Department needs to enforce code violations to include the junked vehicle ordinance and anti-litter ordinance.
- 2. Bring businesses without a business license into compliance of County Code.

#### **Home Business and Home Occupations**

1. Home businesses and home occupations as proposed by the Santa Fe County Code Rewrite are recommended by the planning committee.

## **Ordinance Actions:**

#### Agua Fria Traditional Historic Community

- 1. Amend Traditional Historic Community Boundary to include requests from property owners adjacent to THC at the time of the adoption of the plan and ordinance.
- 2. Property owners north of the THC boundary to NM 599 should be allowed to request to the Board of County Commissioners for inclusion into the THC at any time in the future.

#### **Development on Wells:**

- 1. The committee proposes to make recommendations which will limit or restrict new domestic well water consumption based on input gained at public meetings and incorporated into the proposed code language to follow.
- 2. All new residential land division and subdivision using ground water from a domestic well shall limit water consumption to .25 acre feet of water (approximately 81,450 gallons) per year per dwelling unit for domestic consumption.

#### Agua Fria Traditional Community Zoning District (TCZD)

- 1. The Agua Fria TCZD boundary should be extended south to coincide with the southern THC boundary adjacent to Rufina Street and/or the City of Santa Fe Boundary. (See Appendix Map 2: Village of Agua Fria Traditional Historic Community Existing and Proposed Zoning District Map)
- 2. Neighborhood Mixed Uses as identified in the Performance District Use Table are allowed throughout the AFTCZD in accordance with Conditional or Special Use standards and must meet all Santa Fe County Land Use Development Code requirements.
- 3. Conditional Uses as identified in the land use table are allowed if they meet all Santa Fe County Land Use Development Code requirements and receive approval from the Agua Fria Development Review Committee.
- 4. Special Uses as identified in the land use table are allowed if they go through a special review process and meet all Santa Fe County Land Use Development Code requirements and receive a recommendation from the AFDRC and approval from the Board of County Commissioners.
- 5. Nonresidential development shall not exceed 5,000 square feet. Small grocery stores may request up to 10,000 square feet.
- 6. Maximum lot coverage for Nonresidential uses is 40%.
- 7. Maximum Height for Nonresidential is 24 feet.

#### Home Business

- 1. Home business applications are a conditional use and are subject to review by Agua Fria Development Review Committee.
- 2. Home Business Requirements:

Small scale home businesses, including but not limited to retail shops and galleries, offices or restaurants may be allowed as accessory uses to single-family dwellings provided that such businesses comply with the following standards:

- A. Site Development Plan Required
- B. General
  - 1. Such uses shall be subject to the approval of a conditional use permit as identified in the County Code;
  - 2. Not more than 2,500 sq. ft. shall be dedicated to the use;
  - 3. The owner shall reside on-site; and not more than 6 persons, other than members of a family residing on the premises, shall be regularly engaged in work at the site of the home business;
  - 4. All outdoor storage shall be screened and there shall be no more than 1,000 square feet of such storage related to the home business;
  - 5. The use shall not be disruptive of the residential character of the neighborhood;
  - 6. Such uses may have a max of one sign advertising the accessory use in accordance with the requirements of Sec. 7.12, signs;
  - 7. no equipment or process shall be used that significantly interferes with the existing use of property in the adjacent area;
  - 8. Such uses shall comply with any otherwise applicable use-specific standards of this Code;
  - 9. The use shall not create any disturbing or offensive activity, noise, vibration, smoke, dust, odor, heat, glare, or unhealthy or unsightly condition.
- C. Restaurants, Home

Home restaurants shall comply with the requirements of the County Code in addition to the following:

- 1. Drive up or drive through shall not be allowed; and
- 2. Liquor sales are prohibited;
- 3. Beer and wine sales are allowed.

			ł	PERFOR	MANCE	DISTR	LCTS DENSIT	AND DIM	INSIONAL	SCHE	DULE				
	Minimum gross Lot Area														
		Re	esidentic	l Uses											
	(Acres Per Dwelling Unit)			Maximum Lot Coverage		Max. Height		leight	Minimum Setbacks		acks				
	Community Services		Nonresidential	(%)		(ft)		(ft)							
Zoning			Long				Uses		Non-	Resid	lential	Non-	Front &		
Sub-	Base	Water	Term			Both	(Acres Per	Residential	residential	υ	ses	residential	Street	Interior	
Districts	Density	Cons.	Water	Water	Sewer	W&S	Principal Use)	Uses	Uses	SF	MF	Uses	Side	Side	Rear
RU	2.5			1	1	0.50			20	24	24	24	0	5	5
TCZD	.75			.75	.75	0.33			40	24	24	24	0	5	5

Agua Fria Traditional Historic Community Performance District Density and Dimension Schedule

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### **Performance Districts Use Table**

All principal uses allowable in performance districts are specified in the table below.

There are two zoning districts with the Village of Agua Fria THC, Santa Fe Urban Zone and Traditional Community Zoning District (see Appendix Map 2). The principal uses proposed for the districts on the following pages in accordance with the Principal Uses as described below:

#### **Principal Uses**

#### P Permitted Uses

A "P" indicates that a use is allowed by right in the respective zoning district, in accordance with the Development Permit review procedures and shall be approved by the Administrator. Permitted uses are subject the submittal requirements of a site development plan and to all other applicable regulations of this Code.

#### C Conditional Uses

A "C" indicates that a use is allowed only if reviewed and approved by the County Development Review Committee or Local Development Review Committee. The Agua Fria Development Review Committee is the LDRC for the Village of Agua Fria THC. Conditional Uses are allowed in accordance with the Conditional Use review procedure that is outlined in the Santa Fe County Land Development Code. Conditional Uses are also subject to the submittal requirements of a site development plan and all other applicable regulations of this Code.

#### S Special Uses

An "S" indicates that a use is allowed only if reviewed and approved by the Board of County Commissioners as a Special Use, in accordance with the Special Use review procedures. Special Uses are subject to the submittal requirements of a site development plan and all other applicable regulations of this Code.

#### **Uses Not Allowed**

A blank cell (one without a "P", "C" and "S") indicates that a use type is not allowed in the respective zoning district.

The Performance Districts Use Table is organized into 5 major use groups: Residential Use Categories, Public, Civic and Institutional Use Categories, Retail, Service and Commercial Use Categories, Industrial Use Categories, and Open Use Categories. Each major use group is further divided into specific uses. The use category system is based on common functional, product or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest.

All development in the either the TCZD or Santa Fe Urban Zone shall be subject to the requirements of the Performance Districts Density and Dimensional Standards. Development must also adhere to all requirements outlined in the Santa Fe County Land Development Code.

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		Santa Fe Urban Zone	Agua Fria TCZD	
		RU	AFTCZD	
Key:	P= Permitted Use C	= Conditional Use	Blank = Not	Permitted
Residented to				
Household Living	All household living not listed below	р	Р	
	Single-family dwellings and manufactured homes	P	Р	
	Two-family dwellings (duplexes)	Р	Р	
	Multi-family dwellings	С	S	**************************************
	Manufactured home communities and subdivisions	С	5	
	Mobile homes	Р	Р	and
	Upper floor residential	P	Р	
Group Living	All group living not listed below	С	5	
r	Community residential homes	Р	P	
	Family compounds	Р	ρ	age contest to the works with the
		egjorale		
Place of Worship		c.	<u> </u>	
Day Care	All places of worship All day care not listed below (See also Sec. 2.5,5 Accessory Home-based)	с	с с	
	Day care center (13 or more adults or children)	С	С	
Community Service	All community service not listed below	С	С	
	Community facilities	с	C	
	Libraries	с	С	
	Museums	С	С	
	Philanthropic institutions	С	С	
	Senior centers	с	С	
Educational Facilities	All educational facilities not listed below	с	С	
	Elementary schools	с	С	
	Middle or high schools	С	С	

<u>.</u>

	- Sector - A	ß	TCZD	
	Colleges or universities	5	S	
	Business and vocational schools	S	S	
Government Facilities	All government facilities not listed below	С	С	
	Emergency services	Р	Р	
	Jail or prison	S		
Parks and Open Spaces	All parks and op <b>en space</b> not listed below	С	с	
	Cemeteries, columbaria, mausoleums & memorial parks	С	с	
	Public parks	Ρ	P	
Passenger Terminal	All passenger terminals not listed below	S	S	
	Airports (See ANO) Airports or heliports, private			
Social Service Institutions		_		
	All social service institutions	S	S	
Utilities	Utilities not listed below	С	С	······
	Major utilities	5	5	
	Minor utilities Telecommunications facilities	c c	<u>с</u>	
7425-A - 998-4	e and Companyia Use Ce			
Entertainment Events, Major	All major entertainment events, not listed below			
Marah	Fairgrounds	5	5	
Medical Services	All medical services not listed below	С	С	
	Hospitals	5	5	
	Medical and dental offices/clinics	С	с	n state fright som
	Emergency medical offices	С	с	
Office	All offices not listed below			
	Banks and other financial institutions	С	S	
	Offices (<5,000 square feet)	С	5	

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			AFTCZD	
Office	Offices (>5,000 to 50,000 square feet)	anga Magawa ang mang mang sa		
	Office uses (>50,000 square feet)	an Mary Low and Joseph and Annual Annual Mary Statistical Control of the Statistical Statistics		and a state of the
	Research/development	an sector de la companya de la comp	С	
Parking Commercial	All commercial parking lots and garages		5	
Transient Accommodations	All transient accommodations not listed below			
	Inns and bed and breakfasts (<7 units)	С	с	
	Inns and bed and breakfasts (7-12 units)	с	¢	
	Hotels and motels (>12 units)			
	Resorts (with or without conference centers)	5	S	s 
Indoor Recreation	All indoor recreation not listed below	5	5	
	Adult entertainment			
	Convention or conference center	S	5	
	Private clubs and lodges (not-for-profit)	5	5	
	Entertainment and recreation, indoor		S	
Outdoor Recreation	All outdoor recreation not listed below	nek ye vyernamati ti fleringi yana menya si ti takini takini serena		
	Community pools	5	5	
	Country clubs	5	5	
	Golf courses	5	S	
	Recreational uses, outdoor	С	С	
	Outfitter and guide services	S	С	
	Racetracks, animal			
	Racetracks, motorized			
	Recreational vehicle park/campground	с	с	an a
	Riding academies and public stables	5	сС	
L	Stadiums			

		ßC	AFTCZD	
Restaurants and Bars	All restaurants and bars not listed below		an a	
	Restaurants		с	
	Restaurant, serving beer, wine, or liquor		5	
	Taverns and bars			·
Retail Sales and Service	All indoor retail sales and services not listed below			
	Agricultural supplies and equipment sales	5	5	
	Art galleries or dealers	с	С	
	Appliance, bicycle, jewelry, shoe or watch repair		S	
	Convenience stores	- A REAGING	S	
	Exercise or dance studios		s	
	Farm supplies or equipment sales Is this the same as agricultural supplies		с	
	Farmers' markets	С	С	
	Gasoline and fuel sales			
	Greenhouse or nu <b>rser</b> y, retail	С	С	
	Grocery or food stores		С	
	Liquor stores			
	Outdoor markets			
	Personal service establishments	с	с	
	Retail establishments, indoor <5,000sf		Ş	
	Retail establishments, indoor >5,000sf to 50,000sf			
	Retail establishments, indoor >50,000	-		
	Vehicle parts and accessories			
	Video and DVD rental establishments	с	с	

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Collegorius V	Conv. (1)	RU	AFTCZD	
Vehicle Sales and Service	Vehicle sales and service not listed below			
	Vehicle service, general		С	
	Vehicle service, int <mark>ensive</mark>			
	Vehicle sales and leasing			
Storage	Storage not listed below			
	Mini-storage units		C	
And Article Bar				
Industrial Sales and Service	Industrial sales and service not listed below		s	
	Manufactured home sales and service			
	Plumbing and electrical contractors	5	С	
	Woodworking, including cabinet makers and furniture manufacturing	5	с	
Warehouse and Freight Movement	Warehouse and freight movement not listed below		5	
	Transport and shipping			
	Truck stops			
	Outdoor storage yards			
Waste-related Services	Waste-related services not listed below			-
	Landfill			
	Recycling facilities			
Wholesale Trade	Wholesale trade not listed below	energia de la constante de la constant	с	
	Equipment rental			
	Mail-order houses	С	С	
Heavy Industrial	All heavy industrial not listed below			
Resource Extraction	All resource extraction not listed below			
	Mining and extractive uses			
	Sand and gravel operations	5		]

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		RU	AFTCZD	
Agriculture	All agriculture not listed below	Р	ρ	
	Agriculture, grazing and ranching	Р	Р	
Agricultural	Veterinary clinics (small animal) All AGRICULTURAL BUSINESS not listed below	с	S	
Agricultural	All AGRICULTURAL BUSINESS NOT IISTED DEIOW			
Business	Animal boarding (large animals) or training		С	
	Animal boarding, kennels, shelters (small animals)		5	
	Animal breeding (commercial) and development			
	Animal raising (commercial)		5	
	Animal processing, packing, treating, and storage			
	Dairy farm or milk processing plant, commercial			
	Greenhouse or nursery,	С	\$	
	Feed lot, commercial			
	Livestock auctions or stock yards			
	Livestock or poultry slaughtering or dressing			
	Processing of food and related products		с	
	Veterinary clinics (large animal)		S	
	Packing house for fruits or vegetables		с	
	Tree or sod farm, retail or wholesale	с	5	

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## **Section 6: Appendix**

Map 1: Santa Fe County Ordinance 2004-1- Village of Agua Fria Traditional Historic Community

Map 2: Village of Agua Fria Traditional Historic Community Existing and Proposed Zoning District Map

Map 3: Village of Agua Fria Water and Wastewater Map

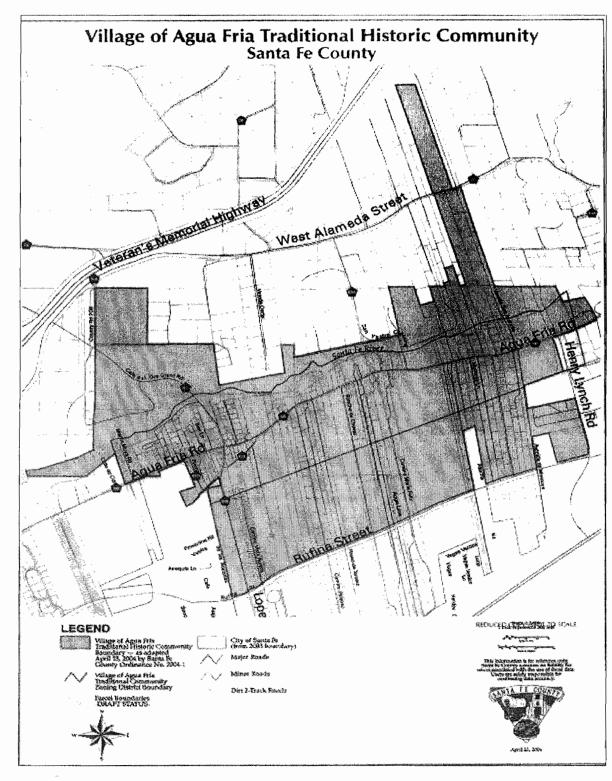
Map 4: Proposed Traditional Historic Community Boundary and Proposed THC Inclusion Requests

Map 5: Map Showing the Village of Agua Fria THC with the location of the ditches identified in the Office of the State Engineer Hydrographic Survey of 1914.

Map 6: 1978 Office of the State Engineer Hydrographic Survey Map 9 showing the locations of 1914 irrigated lands.

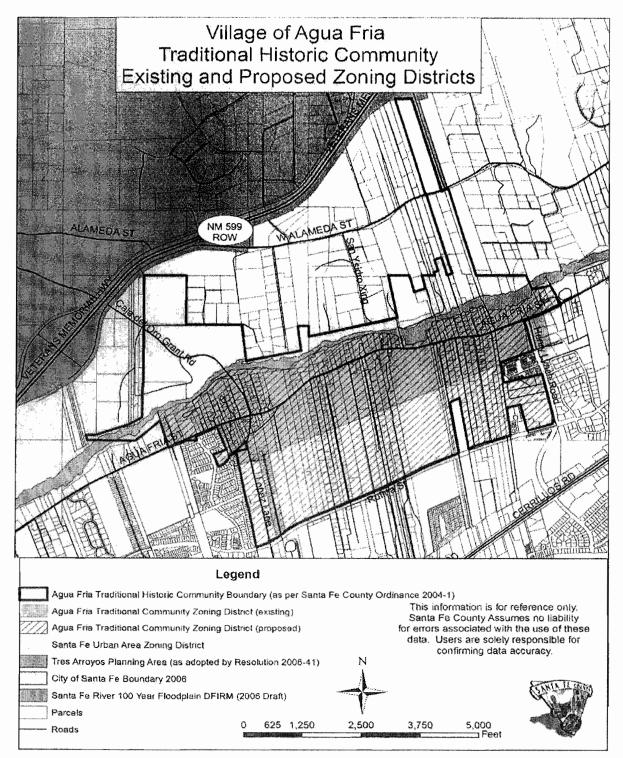
Map 7: 1978 Office of the State Engineer Hydrographic Survey Map 10 showing the locations of 1914 irrigated lands.

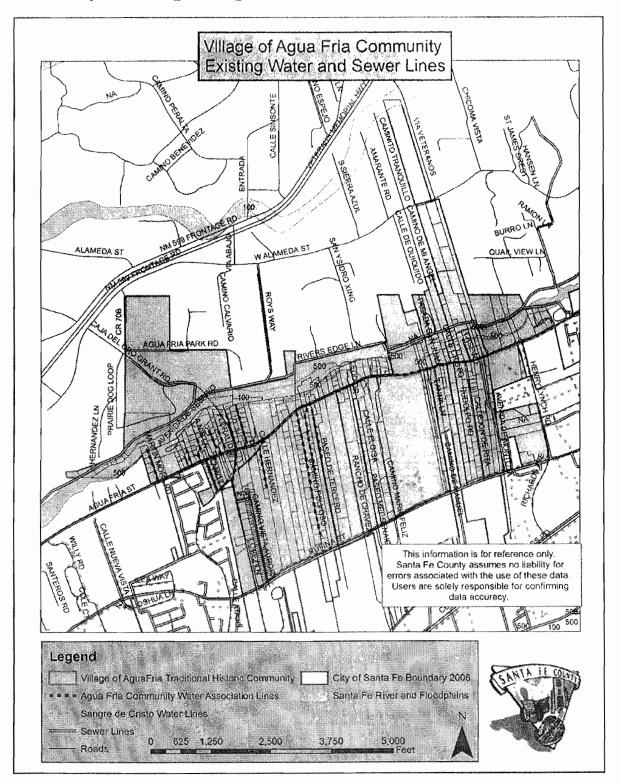




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## Map 2: Village of Agua Fria Traditional Historic Community Existing and Proposed Zoning Districts Map





## Map 3: Village of Agua Fria Water and Wastewater Map

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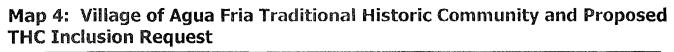
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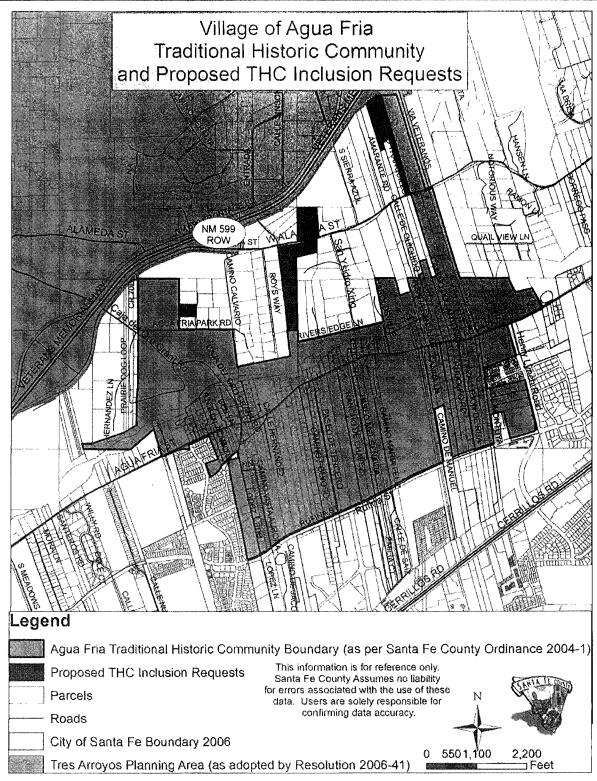
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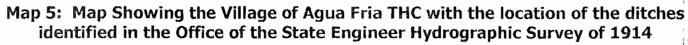
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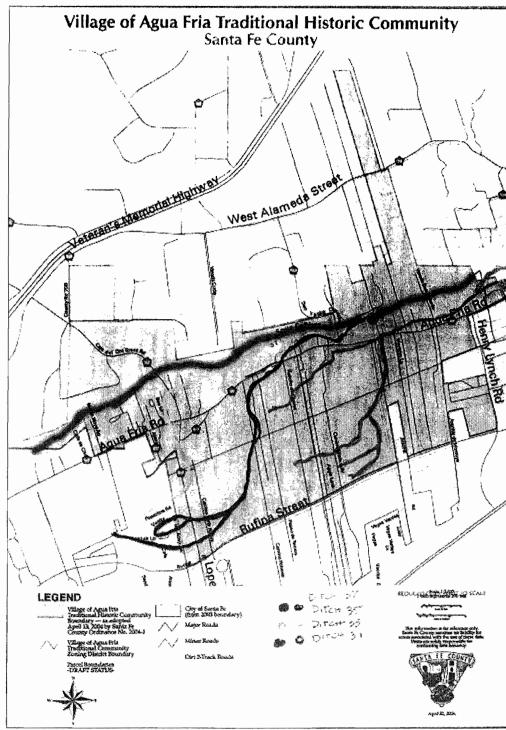
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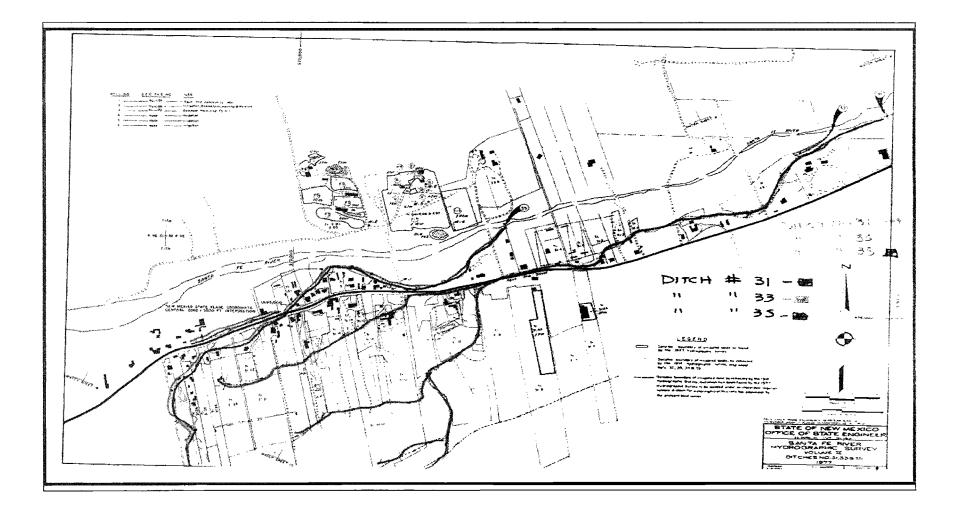




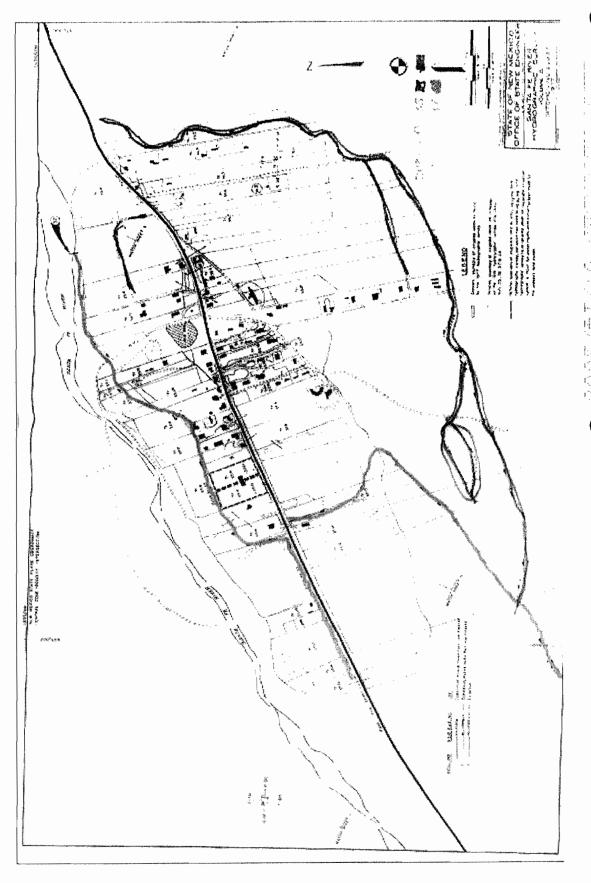
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Map 6: Office of the State Engineer 1978 Hydrographic Survey Map 9 showing the locations of 1914 irrigated lands.







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# Protecting Traditional Communities Through Planning

- Posted by William Henry Mee on February 28, 2010 at 1:36pm
- <u>View Blog</u>

Agua Fria Village Association has been participating with the United Communities of Santa Fe County (<u>http://unitedcommunitiessantafecounty.ning.com/</u>) to protect Traditional Communities like Agua Fria. We are participating in the rewriting of Santa Fe County's <u>Sustainable Land Development</u> <u>Plan</u>

Although the <u>Sustainable Land Development Plan</u> routinely mentions the preservation of traditional communities there is really no detail as to how



this is done. The very survival of

"Traditional Communities" is in jeopardy, now. After existing over three hundred years,

development pressures effectively can dismantle the ability of a community to

retain its identity and independence.

Property taxes threaten to drive existing people out by making their

homes and vacant lots unaffordable; competition for traditional water sources

is also a community killer. There may be

a need for buffer zones of "no-growth" around traditional communities in order

to realistically protect them.

There is a need to better understand traditional communities and rural areas and the slow steady growth they have as each generation comes of age, and wants to "do their own thing." This type of growth is different than a classic subdivision where in five years every lot is built on as two or three phases are approved and no new houses are built; so no unplanned infrastructure capacity can occur. In traditional communities and rural areas, they may never stop growing in any given area. In fact, many have been doing this for over three hundred years. By the mechanism of 'family transfer' in the Land Use Code more lots are developed but larger public sewer and water lines are not planned for (capacity). In order to address this problem, we need to reserve 100 years of County infrastructure planning in the Sustainable Land Development Plan (i.e., water rights say through water banking) to accommodate this growth before we promise it to developers in the next 15-20 years through "development agreements" recommended in the Code and Plan.

The 'wet water' belonging to the County of Santa Fe (1,700 acre feet) in the Buckman Direct Diversion project (and water rights which are being obtained to access this water) should have a percentage held out for traditional communities; perhaps as low as 25% (or 425 acre feet).

Our comments, input and suggestions for "Water Management" are being drafted by our "Water Resources Committee" and will be forwarded separately (portions have previously been submitted in response to the Code). But basically, the fact that the Plan makes development dependent on the 'importation' of water is totally unsustainable

and destructive; development should be more dependent on the amount of water available 'on site', ground water and rain water, and not much else. So when considering the amount of water available it should be proportionally apportioned not just to people but also to the native flora and fauna of the specific ecosystem or bioregion, including the portions needed for man-made natural environments like landscaping, agriculture and ranching.	
landscaping, agriculture and ranching.	4

What we would also like to see is a sort of infill policy and utilizing the funds in the County's Affordable Housing Ordinance fund (some seven million dollars), Traditional Communities like Agua Fria Village could purchase the land from potential developers, like the already approved but not developed Tavelli Property, and hold it and then develop it themselves for village couples starting off in life. Especially, involving those families which have no more land available for family transfer to the next generation.

To summarize, UCSFC stands ready to work side-by-side with the County in revising the Plan and in better understanding our input.

Views: 1

Tags: Agua, Communities, Fria, Protecting, Traditional, Village, land, planning, use

- < Previous Post
- Next Post  $\geq$



Comment by <u>William Henry Mee</u> on March 27, 2010 at 1:49pm I would like to see the addition of a new Chapter 15 on Traditional Communities as follows:

Chapter 15 Traditional Communities:

15.1 Binding Principles
15.2 Critical Findings
15.2.1 Key Issues
15.2.2 Keys to sustainability
15.3 Growth Trends
15.3.1 Growth Projections
15.3.2 Preliminary Official Map (to be written by County)

There are thirty-three "Traditional Communities" in Santa Fe County: Agua Fria Village, Arroyo Seco, Canada de los Alamos, Canoncito, Cerrillos, Chimado, Chupadero, Cienguilla, Cuartelez (Cuatro Villas), Cundiyo, Cuyamungue, El Rancho, Galisteo, Glorieta, Jacona, Jamonita, Jacona Land Grant, La Bajada Village, La Capilla-Canon, La Cienega Valley, La Mesilla, La Puebla, Lamy, Madrid, Nambé, Pojoaque, Rio En Medio (Dos Rios), San Pedro, Santa Cruz, Sombrillo, Stanley, Tesuque (Las Tres Villas), and Upper San Pedro. Included in this number are five Traditional Historic Communities (THC) protected by state statute (3-7-1.1. Traditional historic community; qualifications; annexation restrictions http://www.conwaygreene.com/nmsu/lpext.dll?f=FifLink&t=document... 3-2-3. Urbanized territory; incorporation limited within urbanized territory C. http://www.conwaygreene.com/nmsu/lpext.dll?f=FifLink&t=document... ): Agua Fria Village, Arroyo Seco, Cerrillos, La Cienega and Tesuque. The approximate population of a few of these areas, since not all are Census Designated Places (County can fix this in 2010), is in figure X:

Agua Fria CDP 2,051 persons; 760 households Chupadero CDP 318 persons; 145 households Rio en Medio CDP131 persons; 43 households Tesuque CDP 909 persons; 541 households About 20,000 population http://www.census.gov/popest/cities/files/SUB-EST2008-35.csv La Cienega CDP, New Mexico 2000 (Includes Cieneguilla)

Total population 3,007	Ç.)
Galisteo CDP, New Mexico 2000	
Total population 265	ر وا الم
Canada de los Alamos CDP, New Mexico 2000	
Total population 358	
El Valle de Arroyo Seco CDP, New Mexico 2000	
Total population 1,149	21
Cedar Grove CDP, New Mexico 2000	61) (* 1
Total population 599	ĊÎ N
Madrid CDP, New Mexico 2000	
Total population 149	E
Pojoaque CDP, New Mexico 2000	- Jen Au
Total population 1,261	ŕ.
Glorieta CDP, New Mexico 2000	يەت. بېد مۇر
Total population 859	<b>6</b> 3
Cuyamungue CDP, New Mexico 2000	
Total population 421	
Jaconita CDP, New Mexico 2000	РJ)
Total population 343	
El Rancho CDP, New Mexico 2000	
Total population 817	
Cundiyo CDP, New Mexico 2000	
Total population 95	

Rio Chiquito CDP, New Mexico 2000 Total population 103 <u>http://factfinder.census.gov/servlet/QTTable?\_bm=y&-qr\_name=DEC...</u> Geographic Area: La Puebla CDP, New Mexico 2000 Total population 1,296

Traditional Communities are a resource and opportunity to Santa Fe County that can be utilized to maximize existing county resources. There is a reason these areas became places of settlement. They are desirable areas of the county, and capable of sustaining life; from the time of pre-historic tribes through the Pueblos, through the Conquistadors and colonization to the present day. Usually, founded near a permanent water source with clear access routes (for trade or defense purposes), and some type of natural resources (forest, mining, flat fields, etc.); they remain a place of settlement that is seemingly permanent. While historically communities have risen and fallen based on their ability to flourish (i.e., the mining and railroad communities of: Waldo, Carbonateville, Bonanza, Turquesa, Colorado, Ojo de la Vacá, Ojo Abajeños, Dolores, Ortiz, Kennedy, Buckman, etc.), only traditional communities have survived. Traditional Communities are based on three main elements:

- centralized purpose;
- cultural functions; and
- mixed uses.

Jack Kolkmeyer is fond of asking: As a community what do you want to do and what do you need?

The definition of a community is related to a boundary and these boundaries are described historically and through land records. For instance, Agua Fria Village has existed on maps as a map point without ever having a distinct village boundary. Maps dating back to 1700 have the name Agua Fria Road although the place of settlement is not actually defined. What exists in the minds of Santa Feans as the boundaries of Agua Fria is disputed by old-timers of the boundaries of Cieneguitas and Acres Estates. Communities that are over 100 years old are considered traditional communities and are fairly easy to document their existence. So many of our traditional communities have no formal method of governance, like a proclaimed mayor, but there is a quasi-governance provided by the mayordomo system of the acequias, a system of elders, and the church and school boundaries. The church parish council and the parent-teacher association along with the acequia commission governed the village without a lot of formal record keeping. There is a semi-autonomous nature of traditional communities that has existed for centuries without being intrusive. There is an independent spirit of rugged individualism in traditional communities that has existed for years and has resisted the creation of formal governance.

The 1980 Santa Fe County General Plan first created the term "traditional communities" in Ordinance form. But, the research and willingness to preserve villages started in 1975. The 1999 Santa Fe County General Plan reaffirmed traditional communities and gave them the ability to create a "Community Plan" that protects them and proposes what they want to do in the future.

Traditional communities like Chimayo and Canada de los Alamos have refused to develop community plans and the County is fine with that and recognizes that this is a choice and based on a tradition of self-sufficiency and independence.

Fourteen community plans were done and approved by county ordinance, and seven local Development Review Committees (LDRC) existed in each of the traditional communities, which really didn't have enough of a function to serve their home communities. LDRCs were limited to hearing variances and average citizens in the area were under the mistaken impression that they were a public forum where all development would be heard. Many projects offensive to the communities were approved administratively and the communities felt that they never had a say-so like when a project went to the LDRC.

Traditional communities had a well defined and planned sense of sustainability to them. It was a connectivity and longevity that became keys to sustainability. They used native building materials like the non-food-producing soil for adobes, mud plaster and dirt roof insulation. They used willows which clogged the acequias for latillas in the roof. They oriented their houses to the south to capture the Earth's solar energy. They clustered housing around churches, plazas and centers of human activity which reduced transportation impacts. They utilized a minimum of land for housing and roads so as to maximize food production (consequently, in the twentieth century, this has frustrated the Fire Marshall because of houses too close together and driveways too small for a ladder truck to pass through). They used acequias based on

gravity flow (no energy usage) and surface water which did not impact limited ground water resources (but in fact, under the 2002-9 NMSU study by Dr. Sam Fernald (<u>http://newscenter.nmsu.edu/news/article/?page=article&action=sh...</u>), has been found to greatly recharge ground water wells).

The traditional communities had a unique common sense to them:

- they were self-contained with a church, school, blacksmith who doubled as a horse shoer and farm equipment repairman, carpenters, etc. In Agua Fria Village for example, oral histories show that no one traveled outside of the village for employment or goods until after World War Two. People went to town to buy steel or wire for repairs or even just once a year for sugar and salt.

- smaller houses that could be added onto quickly as more children were born (sweat equity and family transfers were our original and continuing "affordable housing" program).

- houses were also "dismantled" to provide quick materials for newly weds.

- root cellars and back porches screened and facing north where they were cooler and out of the sun (where meat was dried and salted) were common place.

- what we consider to be decorative, red chile ristras, where a method of preserving food for year-round use (squash and apples were sliced and dried on strings on front porches and where later stored in burlap bags).

- shade trees on the south of the house and evergreens on the north for stopping winter winds.

- areas of the forest were set aside by the King of Spain in common land grants for their use and were not to be denuded but thinned.

- farmers were all organic farmers utilizing livestock manure, native/heritage seed exchanges and George Washington's seven field rotation (check Code of the West Indies) until U.S. Soil and Conservation Service advocated a three crop rotation and commercial fertilizer and hybrid seed.

- outhouses were shut down then harvested for organics until lime started to be used as a "health precaution."

- common areas off the road held dumps where parts were recycled off of equipment, wagons, bicycles, and automobiles.

- thicker green waste like tree branches were stored in arroyos to prevent erosion and were harvested as compost and fuel until county dumping restrictions were imposed.

- and, farm equipment was held in the "commons" and was loaned out.

Ann Murray and Ross Lockridge shared with us Elinor Ostrom's writings on the "Tragedy of the Commons" that earned her the Nobel Prize in Economics

(http://www.marginalrevolution.com/marginalrevolution/2009/10/elinor...;

http://ourdinnertable.wordpress.com/2009/10/28/great-write-up-of-el...). Whereby, the common lands and uses like: land grants, acequias, community centers, plazas, road turn-arounds, drainage fields and tanks, farming equipment, and common grazing lands; are turned into private property or are privatized. Fences go up that prohibit acequia maintenance and common grazing lands.

The very survival of "Traditional Communities" is in jeopardy, now. After existing over three hundred years, development pressures effectively can dismantle the ability of a community to retain its identity and independence. Property taxes threaten to drive out existing people by

making their homes and vacant lots unaffordable; competition for traditional water sources (acequias and streams) is also a community killer. There may be a need for buffer zones of "no-growth" around traditional communities in order to realistically and permanently protect them. Similar to what we have proposed for agricultural areas. We recommend the addition of a "7.5 Protection of Traditional Communities" under Factor Group 7; and the addition of a goal statement "Policy 2.9 Protect and support Traditional Communities" in the SLDP.

There is a need to better understand traditional communities and rural areas and the slow steady growth they have as each generation comes of age, and wants to "do their own thing." This type of growth is different than a classic subdivision where in five years every lot is built on as two or three phases are approved and no new houses are built; so no unplanned infrastructure capacity can occur. In traditional communities and rural areas, they may never stop growing in any given area. In fact, many have been doing this for over three hundred years. By the mechanism of 'family transfer' in the Land Use Code more lots are developed but larger public sewer and water lines are not planned for (capacity). In order to address this problem, we need to reserve 100 years of County infrastructure planning in the Sustainable Land Development Plan (i.e., water rights say through water banking) to accommodate this growth before we promise it to developers in the next 15-20 years through "development agreements" recommended in the Code and Plan.

The 'wet water' belonging to the County of Santa Fe (1,700 acre feet) in the Buckman Direct Diversion BDD project (and water rights which are being obtained to access this water) should have a percentage held out for traditional communities; perhaps as low as 25% (or 425 acre feet). For Agua Fria we are planning a 100 year need of 200 acre feet from BDD. Note: our comments, input and suggestions for "Water Management" are being drafted by our "Water Resources Committee" and will be forwarded separately (portions have previously been submitted in response to the Code). But basically, the fact that the Plan makes development dependent on the 'importation' of water is totally unsustainable and destructive; development should be more dependent on the amount of water available 'on site', ground water and rain water, and not much else. So when considering the amount of water available it should be proportionally apportioned not just to people but also to the native flora and fauna of the specific ecosystem or bioregion, including the portions needed for man-made natural environments like landscaping, agriculture and ranching.

There is a loss of 'community character' that has happened over the years and needs to be reversed. It is recognizing the individual identity and value of each community. In Agua Fria we started this with simple signs that say: "Welcome to Agua Fria Village." Santa Fe County's "Community Planning" process has done this across the county and we are thankful for that.

Expansion and support of traditional communities by Santa Fe County fits with the "new ruralism" themes in the Sustainable Land Development Plan. Originally, traditional communities were put in the SDA-1 areas of the county because there are appropriate areas for infill and are natural areas where clustering has occurred over the years. Now a special designation has been created for communities on the County's official land use map.

What traditional communities would like to see is a sort of infill policy and utilizing the funds

in the County's Affordable Housing Ordinance fund (some seven million dollars), whereby a Traditional Community like Agua Fria Village could purchase the land from potential developers, like the already approved but not developed Tavelli Property, and hold it and then develop it themselves for village couples starting off in life. Especially, involving those families which have no more land available for family transfer to the next generation. This could be done by making a land trust or corporation and then issuing shares in the corporation to prospective new purchasers.

We need to take into consideration that traditional communities have many residents with low income or who are elderly and on fixed incomes; and therefore there is no capital for infrastructure and economic development needs. In Agua Fria Village where most citizens are low income there is a need for the government to come forward and invest in infrastructure through grants or no-interest loans to hook people up to the city-county sewer system to protect groundwater by removing septic tanks. There is no "developer" in the picture to pay for it. The County has to step up to the plate and develop the long range plans and maybe even work with residents to consolidate land parcels so that the new parcels have better gravity flow to reach the public sewer systems. Residents have paid taxes for years without receiving any direct community benefit from them. The County can bring together neighbors and families where there was a mistrust to give up easements for infrastructure improvements. Even within one family there has been past occasions where a landowner felt cheated by where a fence or road was put. The County as an outside entity, and through the County Surveyor, can settle these disputes.

One of the overall themes of the Plan that was discussed in the Review Workshops was to add a binding principle of: spell-out the possibilities in each chapter of localized systems and services. Another binding principle is that people want choices. Like the choice of systems for service delivery and very often this means no large systems and more localized alternatives. In extending that theme to the traditional communities we examine what can and can't be done locally in the next few paragraphs.

National planning standards say that it takes: 2,500 people to support a convenience store-gas station; 10,000 people to support a supermarket; 40,000 people to support a major retail store (Wal-mart or Lowes); and 160,000 people to support a regional mall or downtown. Yet, all the traditional communities had a general store at their heart with much smaller populations until the invasion of the big box stores in the 1980-90's, and their tax incentives and tax loopholes provided by government that made competition with general stores unfair.

The general store combined the qualities of a grocery store, hardware store, fabric shop, candy store, liquor and smoke shop, and gas station. In this sense, it provided a little of everything for everybody and could violate the "national planning standards" by avoiding the specialization and centralization that urban planners were seeking. The residents of traditional communities would go once a month or less into the City of Santa Fe or Albuquerque and would send the kids to the general store every couple of days for a quart of milk or some other necessary item. A few general stores were even pharmacies created by medics coming out of World War II and assessing the G.I. Bill for loans. The classic "mom and pop general store" was the center of the traditional community's life and you often found kids hanging out on the front steps and a

checker board on a card table on the porch (maybe a card game in the back room). A lot of teenage kids had their first job sweeping the general store. Some general stores created a microeconomy by extending credit and taking vegetables and livestock in trade for groceries. As profit margins were declining for the general stores, more emphasis was placed on liquor and cigarette sales which negatively impacted communities.

The question here is: can traditional communities bring back the general store to save transportation costs and bring back money into their local economy? Can the tax incentives and tax loopholes provided by government to big boxes be shifted to the mom and pop general store?

Most traditional communities had their own schools and this continued until the 1955 School Consolidation Act by the N.M. State Legislature. For example, Agua Fria had two one-room school houses. The idea was that the centralization of schools into bigger buildings would reduce costs and expand opportunities for children's education in having more elective classes instead of just the 3-Rs. In studies of the effectiveness of modern education, we are finding that children are getting better education in smaller classrooms and in more localized settings (i.e., their home communities), hence the spread of Charter schools and home-schooling. Changing elementary schools to K-8 schools (kindergarten to eighth grade) can give a more local setting to education. Changing the warehousing of students at two large regional high schools into local high schools can also be a solution. Agua Fria Village Association proposed this in 1995 to the Santa Fe School Board in asking them to buy the La Paz Subdivision out and place a high school there financed by a local district bond.

Traditional communities have had mutual domestic water associations started in the 1920's and 30's (usually in conjunction with the Works Progress Administration). Most systems were based on gravity flow and required a minimum of energy/power to produce water.

Traditional communities are an economic base for Santa Fe County and they have sustainable qualities that endure economic recessions. As clustered communities and with a rural nature they cost less to provide services to from the County perspective. Economic recoveries can start here as residents have lower debt ratios and many have home businesses and victory gardens. Residents have extended families to provide no or low cost child care and supervision. Many residents are from multi-generational families that have been on their land for years and consider living there permanently as oppose to other county residents who may leave for greener pastures and just walk away from their house and debt. By encouraging energy efficiency, the revitalization of acequias and economic development, the County can make traditional communities even more self-sufficient.

Many traditional communities have small businesses and home-based businesses in them. Most done without a lot of fanfare about it. Encouraging communities to develop "Business Directories" could assist residents in buying local. Because the Gross Receipts Tax rates are lower in County areas rather than city areas this trend will continue.

Other issues to address in traditional communities are:

- Respect the semi-autonomous nature of traditional communities.
- Limit growth to what can be sustained.

- Most traditional communities are located in rural areas, they are dense clusters that might be confused as urban areas, but in fact have rural values. There are chickens, horses cows and goats; and this is not just noise and manure, but the sounds and smells of the country. There is an attitude of live and let live.

- Integrate the existing county system of open space and trails (including equestrian) and connect into the local community to encourage use.Need to protect view sheds.

- Mitigate noise and light impairments by development.
- Base all water policy on a net-zero change model instead of a depletion model.
- Protect acequia users and agriculture from out of zone water rights transfers.

- Traditional communities are offered 1.0 acre foot of water under domestic wells to foster agriculture as opposed to other areas held to ¼ acre foot.

- The CIP should involve traditional communities more.

- There is a need for utility assistance, utility line extensions and surveying (perfection of land titles) in traditional communities.

- Loss of buildable land in traditional communities (i.e., building sites not in agricultural belt and as families exhaust all 1/3 and 3/4 acre lots they must go up or start family compounds). The community plans can be vehicles for infill.

- The use of roundabouts in traditional communities will improve traffic flow and decrease traffic speeds---but there is a reluctance on behalf of residents to put them in and a lack of education on how to drive on them.

- Paul White participated in creating an "Agricultural Revitalization Initiative Resolution" by the Board of County Commissioners. County economic development planner Duncan Sill has used this theme to work in projects in La Cienega and Agua Fria.

To have "context sensitive solutions" (Chapter 10) that utilize natural resources like the water running off a highway to water native landscaping or have cisterns for fire prevention. The old style/paradigm of stormwater runoff management was to collect it ASAP and move it to a big concrete channel which increased speed and erosion. The new style is like Brad Lancaster that waters native trees 100% in Tucson's medians thus reducing the overall temperature increase by development from 7 degrees to 3 degrees (Tucson's roads and black roofs have increased the natural temperature by 7 degrees Fahrenheit---which makes a hot place even hotter and drier).
Involving more citizens in the planning process and thinking of more innovative and alternative planning (creativity and incentives).

- The U.S. Resource Conservation Service (old Soil and Water Conservation Service) allows for funding for weed districts. County might try plan of "mowing" vacant lots of more than two acres belonging to senior citizens and low income people who have no resources to keep on top of weeds. Such fire breaks can prevent the spread of fire. Recent outbreaks of Tumbling Mustard Weed are a large fire hazard. Fire starts and weed goes airborne spreading fire to other lots. Explosion of prairie dog population adds to weed invasions as they root out native grasses and spread weed seeds. Prairie dog is not native to Santa Fe County (reference journals of Coronado where he first sighted Prairie Dog about 100 miles east of Las Vegas, N.M.). The reduction of coyotes have contributed to expansion of gopher populations that kill native grasses and encourage weed growth.

- There are a lot of invasive tree species that were planted by the Civilian Conservation Corps and schoolchildren were given Siberian Elms at the Cerrillos, Pojoaque, Stanley, and Agua Fria schools on Arbor Day. Russian Olives were touted for crossion control until the 1980's. Now we have Salt Cedar eradication programs. So we do things as communities on the best advice of the government and then live to regret it.

- There are 1,340 Post Offices in New Mexico and Pojoaque Valley, with a population of over 10,000, is in a postal void. A preliminary investigation indicates that Pojoaque Valley is the largest community in the state without a full-service Post Office (<u>http://pojoaquenews.com</u>/about/).

- The ability to convert existing single family homes into housing for extended families should be expanded (care of parents, children moving back in---i.c., medical hardships not in code).

- The person applying for a building permit or buying a home should be given a notice, right in County Land Use, that their property taxes may go up to a certain level so they don't have sticker shock. This is particular crucial when it is an owner-builder that is putting in sweat equity and maybe making his own adobes (putting in 0\$) and the finished product in the Santa Fe Market is \$100-200 per square foot.

- The County has many green building design tips in existing code but these are often too expensive for the little guy in the traditional community. So we need to remember that even the "greenest" built new house is less green than a remodeled house that is made a little more green in its remodeling. Providing a little education about how a green house can save you money and offering incentives to do it will advance the county's overall programs (the term "green" including water conservation).

- Each traditional community should work on ways that they can deliver financial or social benefits to all their residents, on a local scale, so that there is genuine value in being in the traditional community area. Financial benefits include really thinking outside of the box and having things that save or make them money for being in the area. Like developing a small electric cooperative that reduces energy costs. Social benefits include: reducing crime, improving education, increasing health care coverage, having a senior citizen's center, etc. This list is really only limited by our imaginations. The big point is to have an answer to the question: What's in it for Me? to be a part of the traditional community planning process as opposed to being outside the boundary or just not participating. Such value could be: negotiating with various waste management companies to get a "district rate" rather than a higher individual rate that people have now; pool resources to obtain better rates on base course and/or maintaining equipment for non-County-maintained roads.

- Extension of infrastructure who pays for it? This is a question in limbo where traditional communities have paid taxes for decades to the County but have failed to reap the benefits since they don't have a tax base dedicated to their needs.

We need to plan for the Public Safety of Traditional Communities. Like to identify "hot spots" in traditional communities where roads are too narrow, trees have moved into cleared areas, household of ill or infirm residents, low water crossings, etc.; and, develop localized solutions like having fire departments that utilize more volunteers with intimate knowledge of their community (i.e., know who is infirm, etc.). They can know the locked gates and the codes and when to take the brush truck or the pumper. Community Organizations and neighborhood associations could be used for this data collection.

We need to understand the demographics and needs of our communities to address issues like: - juvenile immigrant crime.

- there is no emergency response telephone "tree" in traditional communities place to alert county residents to potential emergency situations.

- there are not enough law enforcement officers to respond quickly to emergency situations, especially at night and in "911" situations..

- there are too few sub-stations to permit a "zoned" approach to law enforcement.

- there are too few code enforcement officers with too few resources to adequately up-hold the County's land-use ordinances.

- there are many areas subject to wild-lands fires and we need creative solutions to the problem like cutting weeds with the county tractor as public service by the firemen in local communities.

Many traditional communities are "technology-challenged" with:

- Lack of fiber optics infrastructure;

- Older residents not computer literate; and

- Dead zones for cell phones and communication towers caused by remote and mountainous conditions.

There are conglomerations of communities like: Las Tres Villas (a.k.a., as Los Dos Rios--- Rio en Medio and Chuppadero, and Tesuque), Pojoaque Valley (Cuyamungue, El Rancho, Jacona, Jaconita, Jacona Land Grant, and Nambé; and the Pueblos of Nambe, Pojoaque and San Ildefonso) and Cuatro Villas (Sombrillo, Cuartelez, La Puebla, and El Valle de Arroyo Seco); that are best served by broader community plans. When planning we need to remember that one size does not fit all---Galisteo and Stanley are very different traditional communities defined by the ranches adjoining them.

Traditional communities recognize that Santa Fe County cannot provide all things to all people, but what they are asking for is just a little expert advice on how to tap into resources and assistance in coordinating our planning activities.

In summary, traditional communities are special places that need the attention and support of County staff.

#### 15.4 Goals, Policies and Strategies

Goal 1: Pursue a diverse and sustainable local economy for traditional communities that integrates environmental and community needs and supports the local workforce and provides new opportunities for local employers and residents.

Policy 1.1: Support incentives to encourage local small businesses to retrofit buildings to achieve code compliance.

Policy 1.2: Coordinate with local banks, mortgage companies, venture capital programs, and the small business administration to develop strategies for providing assistance to local businesses outside of traditional business parks (in homes and garages).

Strategy 1.2.1: Support Santa Fe Business Incubator and efforts to support start-up businesses, especially in smaller communities.

Strategy 1.2.2: Create model for how to create a "Business Directory" and buy local campaign in a traditional community.

Strategy 1.2.3: Promote Agricultural Revitalization Initiative Resolution. Strategy 1.2.4 Encourage home-based businesses to buy a business license and be in compliance with Community Plans.

Goal 2:Support all traditional communities in planning for their future. Policy 2.1 Support traditional community in its attempts to get organized.

Strategy 2.1.1: Encourage traditional communities to form a neighborhood association. Policy 2.2 Assist traditional communities in creating and maintaining a Community Plan.

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#### Annual Report to Agua Fria Village:

### April 2, 2012

From time to time it is important for organizations to report to their membership and other interested parties their accomplishments and challenges. This is a valuable exercise to say what we have done and to be thinking about where we are going. This then is an Annual Report of the Agua Fria Village Association (AFVA) to the residents of the Agua Fria Traditional Historic Community (THC) area and the other independent entities and businesses that exist in this boundary.

1. The Officers of the AFVA made a Goal of recruiting more members, having more participation at meetings and creating a sense of identity and pride in Agua Fria Village. In order to achieve this Goal we did the following activities:

A. Provided more information about the organization and its activities in the monthly "Community Update" and the interim "Agua Fria Bulletin." This is our newsletter. In addition, we posted documents and blogs at: http://aguafriavillage.ning.com/ and

http://www.facebook.com/groups/249299328461189/ to enhance communication. Website domain names were again reserved but no webmaster volunteered.

B. The email system was expanded to over 255 Agua Fria email addresses and 25 other parties.

C. The brochure to describe the AFVA developed in 2010 was supplemented by another brochure and was distributed at more community events.

D. Hosted the Third Annual Barbecue at the NRCC on July18th from 1-4. On which we had under 50 people at and we spent just over \$600.

E. Attended more meetings and events:

- Delegated representative to Santa Fe Fiesta Council (Joseph Ramirez and Joe Mier)
- Delegated representative to Santa Fe Watershed Association (Giacomo Zarfarano)
- 9th annual Santa Fe River Blessing at San Isidro River Park on May 15th.
- Tree Plantings at San Isidro River Park for AFVA (March and April).
- Santa Fe Beautiful Cleanup and Earth Day on April 20th and Trek for Trash in September.
- Attend Northern Rio Grande National Heritage Area meeting in Santa Fe for AFVA.
- Attended County's Arts & Culture Task Force, Water Focus Group meetings.
- Sought COLTPAC open space and Roads Advisory Task Force members from THC area.
- Attended meetings on State Road 599 upgrades by Department of Transportation.
- Spring and fall festivals of San Isidro at Rancho de los Golondrinas.
- La Cienega Valley Association collaboration.
- Helped to sponsor Los Posadas at NRCC for 3<sup>rd</sup> year.
- Wrote letters of support for the SFe Community Farm & coordinated Santa Fe River Blessing there.
- Attended the November 18th meeting of the Regional Planning Authority.

2. AFVA continued in our function as a "Development Review" authority for the Traditional Historic Community (THC) area. The AFVA has claimed the right to represent the THC area by writing to Santa Fe County's Land Use Administrator. This oversight has become more important as the Agua Fria Development Review Committee (AFDRC) has been put "on hold." In order to fulfill this responsibility we did the following activities:



A. Responded by email to the County Commission and County Manager to renew their promise in Resolution#2009-74 to replace the AFDRC and uphold the Community Plan in the <u>Sustainable Land</u> <u>Development Code</u>.

B. Participated in Santa Fe County's <u>Sustainable Land Development Code</u> 12 meetings on "Critical Decision Points" in the Code.

- C. Hosted or discussed "developer proposals" at monthly meetings as follows:
- Carlos Garcia on 48 acre Dickie Montoya property (pending).
- Purple Horizon Mobile Home Park (defeated).
- Bienveinidos Single Family Housing (pending).

D. Participated on the City of Santa Fe's Living Santa Fe River Task Force and wrote in favor of City Ordinance to put more water in the River.

3. AFVA took on the new role of planning for the THC area. In order to fulfill this new challenge we did the following activities:

A. Wrote to the Land Use Administrator December stating our willingness to participate in creating a "Beautification Plan" for our area that Administrator said could be a model for County policy.

B. Reaffirmed our membership in the United Communities of Santa Fe County (UCSFC), a congress of organizations like: traditional communities (26 of the 33 in county), homeowner/neighborhood associations; & water rights groups.

C. Renewed our membership in the Santa Fe Basin Water Association, an organization of individuals, acequia associations, and water associations, incorporated to protect the rights and interests of existing water users in the Santa Fe County area. We also formed the Acequia Agua Fria in April of 2009 and reaffirmed the acequia and water rights research for the organization in 2011; requested 200 acre feet be reserved for AFCWA/THC from the BDD in perpetuity.

D. Renewed our membership in the Santa Fe Neighborhood Network.

E. Capitol Improvements Plan (CIP) requests for Agua Fria area (July and August 2011).

- Road improvements/sewer improvements follow-up to the July 11, 2008 County Sewer Plan.
- Attended weekly County meetings for Agua Fria Street Phase Three sewer and road project.
- Meeting with County on Agua Fria Park/NRCC/San Isidro Park improvements.

F. Participated in all of the 20 planning meetings for the *Sustainable Land Development Code*.

4. AFVA is looking for new ways that the Association can be of a benefit to its members and potential members.

- Neighborhood Watch
- Buy local campaign-business directory
- Property Tax limitation discussion

- Filed three protests of water rights transfers at the Office of State Engineer against City of Santa Fe for opening wells that impacted Agua Fria wells and were closed by legal action.

- Meetings with County's Open Space Department's Director Colleen Baker.

- Applied for 4 grants to do oral history interviews of Agua Fria families.--- Thank you for reading this!